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*A. J. Pinkham*

CONSTITUTION  
OF THE  
STATE OF IDAHO  
AND THE

ACT PROVIDING FOR THE ADMISSION OF THE STATE.

---

PREPARED AND PUBLISHED BY  
**A. J. PINKHAM,**  
SECRETARY OF STATE.

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Under authority of House Joint Resolution No. 3.

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BOISE CITY, IDAHO:  
The Statesman Printing Co.  
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DEPARTMENT OF STATE.  
SECRETARY'S OFFICE.

I, A. J. Pinkham, Secretary of State of the State of Idaho, do hereby certify the following to be true and correct copies of the Constitution of the State of Idaho, adopted in Convention, August 6, 1889; and the Act of Congress admitting the State of Idaho into the Union of States, approved July 3, 1890, as appear of record in my office.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Great Seal of the State.  
Done at the City of Boise, the Capital of Idaho,  
this Nineteenth day of February, in the year of  
our Lord One Thousand Eight Hundred and  
Ninety-one, and of the Independence of the  
United States of America, the One Hundred  
and Fifteenth.

[SEAL.]

A. J. PINKHAM,  
*Secretary of State.*

THE BANCA D'ITALIA

# CONSTITUTION

Adopted by a Constitutional Convention  
held at Boise City, in the Territory of  
Idaho, August 6, 1889.

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## PREAMBLE.

We, the people of the State of Idaho, grateful to Almighty God for our freedom, to secure its blessings and promote our common welfare do establish this Constitution.

## ARTICLE I.

### DECLARATION OF RIGHTS.

SECTION 1. All men are by nature free and equal and have certain inalienable rights, among which are enjoying and defending life and liberty, acquiring, possessing, and protecting property, pursuing happiness, and securing safety.

SEC. 2. All political power is inherent in the people. Government is instituted for their equal protection and benefit, and they have the right to alter, reform, or abolish the same whenever they may deem it necessary, and no special privileges or immunities shall ever be granted that may not be altered, revoked, or repealed by the legislature.

SEC. 3. The State of Idaho is an inseparable part of the American Union, and the Constitution of the United States is the supreme law of the land.

SEC. 4. The exercise and enjoyment of religious faith and worship shall forever be guaranteed; and no person shall be denied any civil or political right, privilege, or capacity on account of his religious opinions; but the liberty of conscience hereby secured shall not be construed to dispense with oaths or affirmations, or excuse acts of licentiousness or justify polyga-

mous or other pernicious practices, inconsistent with morality or the peace or safety of the State; nor to permit any person, organization, or association to directly or indirectly aid or abet, counsel or advise, any person to commit the crime of bigamy or polygamy, or any other crime. No person shall be required to attend or support any ministry or place of worship, religious sect or denomination, or pay tithes against his consent; nor shall any preference be given by law to any religious denomination or mode of worship. Bigamy and polygamy are forever prohibited in the State, and the legislature shall provide by law for the punishment of such crimes.

SEC. 5. The privilege of the writ of habeas corpus shall not be suspended unless, in case of rebellion or invasion, the public safety requires it, and then only in such manner as shall be prescribed by law.

SEC. 6. All persons shall be bailable by sufficient sureties, except for capital offenses, where the proof is evident or the presumption great. Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

SEC. 7. The right of trial by jury shall remain inviolate; but in civil actions three-fourths of the jury may render a verdict, and the legislature may provide that in all cases of misdemeanors five-sixths of the jury may render a verdict. A trial by jury may be waived in all criminal cases not amounting to felony by the consent of both parties, expressed in open court, and in civil actions by the consent of the parties, signified in such manner as may be prescribed by law. In civil actions and cases of misdemeanor the jury may consist of twelve, or of any number less than twelve upon which the parties may agree in open court.

SEC. 8. No person shall be held to answer for any felony or criminal offense of any grade, unless on presentment or indictment of a grand jury or on information of the public prosecutor, after a commitment by a magistrate, except in cases of impeachment, in cases cognizable by probate courts or by justices of the peace, and in cases arising in the militia when in actual service in time of war or public danger: PROVIDED, That a grand jury may be summoned upon the order of the district court in the manner provided by law: AND PROVIDED FURTHER, That after a charge has been ignored by a grand jury, no person shall be held to answer or for trial therefor upon information of the public prosecutor.

SEC. 9. Every person may freely speak, write, and publish on all subjects, being responsible for the abuse of that liberty.

SEC. 10. The people shall have the right to assemble in a peaceable manner to consult for their common good; to instruct their representatives, and to petition the Legislature for the redress of grievances.

SEC. 11. The people have the right to bear arms for their security and defense; but the Legislature shall regulate the exercise of this right by law.

SEC. 12. The military shall be subordinate to the civil power; and no soldier in time of peace shall be quartered in any house without the consent of its owner, nor in time of war except in the manner prescribed by law.

SEC. 13. In all criminal prosecutions, the party accused shall have the right to a speedy and public trial; to have the process of the court to compel the attendance of witnesses in his behalf, and to appear and defend in person and with counsel.

No person shall be twice put in jeopardy for the same offense; nor be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty or property without due process of law.

SEC. 14. The necessary use of lands for the construction of reservoirs or storage basins, for the purposes of irrigation, or for rights of way for the construction of canals, ditches, flumes, or pipes, to convey water to the place of use, for any useful, beneficial, or necessary purpose, or for drainage; or for the drainage of mines, or the working thereof, by means of roads, railroads, tramways, cuts, tunnels, shafts, hoisting works, dumps, or other necessary means to their complete development, or any other use necessary to the complete development of the material resources of the State, or the preservation of the health of its inhabitants, is hereby declared to be a public use, and subject to the regulation and control of the State.

Private property may be taken for public use, but not until a just compensation, to be ascertained in a manner prescribed by law, shall be paid therefor.

SEC. 15. There shall be no imprisonment for debt in this State except in cases of fraud.

SEC. 16. No bill of attainder, ex post facto law, or law impairing the obligation of contracts, shall ever be passed.

SEC. 17. The right of the people to be secure in their persons, houses, papers and effects against unreasonable searches and seizures shall not be violated; and no warrant shall issue

without probable cause, shown by affidavit, particularly describing the place to be searched and the person or thing to be seized.

SEC. 18. Courts of justice shall be open to every person, and a speedy remedy afforded for every injury of person, property or character, and right and justice shall be administered without sale, denial, delay, or prejudice.

SEC. 19. No power, civil or military, shall at any time interfere with or prevent the free and lawful exercise of the right of suffrage.

SEC. 20. No property qualification shall ever be required for any person to vote or hold office except in school elections or elections creating indebtedness.

SEC. 21. This enumeration of rights shall not be construed to impair or deny other rights retained by the people.

## ARTICLE II.

### DISTRIBUTION OF POWERS.

SECTION 1. The powers of the government of this State are divided into three distinct departments, the Legislative, Executive and Judicial; and no person or collection of persons charged with the exercise of powers properly belonging to one of these departments, shall exercise any powers properly belonging to either of the others, except as in this Constitution expressly directed or permitted.

## ARTICLE III.

### LEGISLATIVE DEPARTMENT.

SECTION 1. The legislative power of the State shall be vested in a senate and house of representatives. The enacting clause of every bill shall be as follows: "Be it enacted by the Legislature of the State of Idaho."

SEC. 2. The senate shall consist of eighteen members and the house of representatives of thirty-six members. The Legislature may increase the number of senators and representatives: PROVIDED, The number of senators shall never exceed twenty-four, and the house of representatives shall never exceed sixty members. The senators and representatives shall be chosen by

the electors of the respective counties or districts into which the State may from time to time be divided by law.

SEC. 3. The senators and representatives shall be elected for the term of two years, from and after the first day of December next following the general election.

SEC. 4. The members of the first legislature shall be apportioned to the several legislative districts of the State in proportion to the number of votes polled at the last general election for Delegate to Congress, and thereafter to be apportioned as may be provided by law: PROVIDED, Each county shall be entitled to one representative.

SEC. 5. A senatorial or representative district, when more than one county shall constitute the same, shall be composed of contiguous counties and no county shall be divided in creating such districts.

SEC. 6. No person shall be a senator or representative who at the time of his election is not a citizen of the United States and an elector of this State, nor any one who has not been for for one year next preceding his election an elector of the county or district whence he may be chosen.

SEC. 7. Senators and representatives, in all cases except for treason, felony, or breach of the peace, shall be privileged from arrest during the session of the Legislature, and in going to and returning from the same, and shall not be liable to any civil process during the session of the Legislature, nor during the ten days next before the commencement thereof: nor shall a member for words uttered in debate in either house be questioned in any other place.

SEC. 8. The sessions of the Legislature shall, after the first session thereof, be held biennially, at the Capital of the State, commencing on the first Monday after the first day of January, and every second year thereafter, unless a different day shall have been appointed by law, and at other times when convened by the Governor.

SEC. 9. Each house when assembled shall choose its own officers, judge of the election, qualifications, and returns of its own members, determine its own rules of proceeding, and sit upon its own adjournments; but neither house shall, without the concurrence of the other, adjourn for more than three days, nor to any other place than that in which it may be sitting.

SEC. 10. A majority of each house shall constitute a quorum to do business, but a smaller number may adjourn from day to day, and may compel the attendance of absent members in such

manner and under such penalties as such house may provide. A quorum being in attendance, if either house fail to effect an organization within the first four days thereafter, the members of the house so failing shall be entitled to no compensation from the end of the said four days until an organization shall have been effected.

SEC. 11. Each house may, for good cause shown, with the concurrence of two-thirds of all the members, expel a member.

SEC. 12. The business of each house, and of the committee of the whole, shall be transacted openly and not in secret session.

SEC. 13. Each house shall keep a journal of its proceedings; and the yeas and nays of the members of either house on any question, shall, at the request of any three members present, be entered on the journal.

SEC. 14. Bills may originate in either house, but may be amended or rejected in the other, except that bills for raising revenue shall originate in the house of representatives.

SEC. 15. No law shall be passed except by bill, nor shall any bill be put upon its final passage until the same, with the amendments thereto, shall have been printed for the use of the members; nor shall any bill become a law unless the same shall have been read on three several days in each house previous to the final vote thereon: PROVIDED, In case of urgency, two-thirds of the house where such bill may be pending may, upon a vote of the yeas and nays, dispense with this provision. On the final passage of all bills they shall be read at length, section by section, and the vote shall be by yeas and nays upon each bill separately, and shall be entered upon the journal; and no bill shall become a law without the concurrence of a majority of the members present.

SEC. 16. Every act shall embrace but one subject and matters properly connected therewith, which subject shall be expressed in the title; but if any subject shall be embraced in an act which shall not be expressed in the title, such act shall be void only as to so much thereof as shall not be embraced in the title.

SEC. 17. Every act or joint resolution shall be plainly worded, avoiding as far as practicable the use of technical terms.

SEC. 18. No act shall be revised or amended by mere reference to its title, but the section as amended shall be set forth and published at full length.

SEC. 19. The legislature shall not pass local or special laws in any of the following enumerated cases, that is to say:

Regulating the jurisdiction and duties of justices of the peace and constables.

For the punishment of crimes and misdemeanors.

Regulating the practice of the courts of justice.

Providing for a change of venue in civil or criminal actions.

Granting divorces.

Changing the names of persons or places.

Authorizing the laying out, opening, altering, maintaining, working on, or vacating roads, highways, streets, alleys, town plats, parks, cemeteries, or any public grounds not owned by the State.

Summoning and impanneling grand and trial juries, and providing for their compensation.

Regulating county and township business, or the election of county and township officers.

For the assessment and collection of taxes.

Providing for and conducting elections, or designating the place of voting.

Affecting estates of deceased persons, minors, or other persons under legal disabilities.

Extending the time for collection of taxes.

Giving effect to invalid deeds, leases or other instruments.

Refunding money paid into the State treasury.

Releasing or extinguishing, in whole or in part, the indebtedness, liability or obligation of any person or corporation in this State, or any municipal corporation therein.

Declaring any person of age, or authorizing any minor to sell, lease, or encumber his or her property.

Legalizing as against the State the unauthorized or invalid act of any officer.

Exempting property from taxation.

Changing county seats: unless the law authorizing the change shall require that two-thirds of the legal votes cast at a general or special election shall designate the place to which the county seat shall be changed: PROVIDED, That the power to pass a special law shall cease as long as the Legislature shall provide for such change by general law: PROVIDED FURTHER, That no special law shall be passed for any one county oftener than once in six years.

Restoring to citizenship persons convicted of infamous crimes.

Regulating the interest on money.

Authorizing the creation, extension or impairing of liens.

Chartering or licensing ferries, bridges or roads.

Remitting fines, penalties or forfeitures.

Providing for the management of common schools.

Creating offices or prescribing the powers and duties of officers in counties, cities, townships, election districts, or school districts, except as in this Constitution otherwise provided.

Changing the law of descent or succession.

Authorizing the adoption or legitimization of children.

For limitation of civil or criminal actions.

Creating any corporation.

Creating, increasing or decreasing fees, percentages, or allowances of public officers during the term for which said officers are elected or appointed.

SEC. 20. The Legislature shall not authorize any lottery or gift enterprise under any pretense or for any purpose whatever.

SEC. 21. All bills or joint resolutions passed shall be signed by the presiding officers of the respective houses.

SEC. 22. No act shall take effect until sixty days from the end of the session at which the same shall have been passed, except in case of emergency, which emergency shall be declared in the preamble or in the body of the law.

SEC. 23. Each member of the Legislature shall receive for his services a sum not exceeding five dollars per day from the commencement of the session, but such pay shall not exceed for each member, except the presiding officers, in the aggregate three hundred dollars for per diem allowances for any one session; and shall receive each the sum of ten cents per mile each way by the usual traveled route.

When convened in extra session by the Governor, they shall each receive five dollars per day: but no extra session shall continue for a longer period than twenty days, except in case of the first session of the Legislature. They shall receive such mileage as is allowed for regular sessions. The presiding officers of the Legislature shall each in virtue of his office receive an additional compensation equal to one-half his per diem allowance as a member: PROVIDED, That whenever any member of the Legislature shall travel on a free pass in coming to or returning from the session of the Legislature, the number of miles actually traveled on such pass shall be deducted from the mileage of such member.

SEC. 24. The first concern of all good government is the virtue and sobriety of the people, and the purity of the home.

The Legislature should further all wise and well directed efforts for the promotion of temperance and morality.

SEC. 25. The members of the Legislature shall, before they enter upon the duties of their respective offices, take or subscribe the following oath or affirmation; "I do solemnly swear (or affirm, as the case may be) that I will support the Constitution of the United States and the Constitution of the State of Idaho, and that I will faithfully discharge the duties of senator (or representative, as the case may be) according to the best of my ability." And such oath may be administered by the Governor, Secretary of State, or judge of the supreme court, or presiding officer of either house.

## ARTICLE IV.

### EXECUTIVE DEPARTMENT.

SECTION 1. The executive department shall consist of a Governor, Lieutenant-Governor, Secretary of State, State Auditor, State Treasurer, Attorney-General, and Superintendent of Public Instruction, each of whom shall hold his office for two years beginning on the first Monday in January next after his election, except as otherwise provided in this Constitution. The officers of the executive department, excepting the Lieutenant-Governor, shall, during their terms of office, reside at the seat of government, where they shall keep the public records, books, and papers. They shall perform such duties as are prescribed by this Constitution and as may be prescribed by law.

SEC. 2. The officers named in section one of this article shall be elected by the qualified electors of the State at the time and places of voting for members of the Legislature, and the persons, respectively, having the highest number of votes for the office voted for shall be elected; but if two or more shall have an equal and the highest number of votes for any one of said offices, the two houses of the Legislature at its next regular session, shall forthwith, by joint ballot, elect one of such persons for said office. The returns of election for the officers named in section one shall be made in such manner as may be prescribed by law, and all contested elections of the same, other than provided for in this section, shall be determined as may be prescribed by law.

SEC. 3. No person shall be eligible to the office of Governor or Lieutenant-Governor unless he shall have attained the age

of thirty years at the time of his election; nor to the office of Secretary of State, State Auditor, Superintendent of Public Instruction, or State Treasurer unless he shall have attained the age of twenty-five years; nor to the office of Attorney-General unless he shall have attained the age of thirty years, and have been admitted to practice in the supreme court of the State or Territory of Idaho, and be in good standing at the time of his election. In addition to the qualifications above described each of the officers named shall be a citizen of the United States and shall have resided within the State or Territory two years next preceding his election.

SEC. 4. The Governor shall be commander-in-chief of the military forces of the State, except when they shall be called into actual service of the United States. He shall have power to call out the militia to execute the laws, to suppress insurrection, or to repel invasion.

SEC. 5. The supreme executive power of the State is vested in the Governor, who shall see that the laws are faithfully executed.

SEC. 6. The Governor shall nominate and, by and with the consent of the senate, appoint all officers whose offices are established by this Constitution, or which may be created by law and whose appointment or election is not otherwise provided for. If, during the recess of the senate, a vacancy occurs in any State or district office, the Governor shall appoint some fit person to discharge the duties thereof until the next meeting of the senate, when he shall nominate some person to fill such office. If the office of a Justice of the supreme or district court, Secretary of State, State Auditor, State Treasurer, Attorney-General, or Superintendent of Public Instruction shall be vacated by death, resignation or otherwise, it shall be the duty of the Governor to fill the same by appointment, and the appointee shall hold his office until his successor shall be elected and qualified in such manner as may be provided by law.

SEC. 7. The Governor, Secretary of State, and Attorney-General shall constitute a board to be known as the board of pardons. Said board, or a majority thereof, shall have power to remit fines and forfeitures, and to grant commutations and pardons after conviction and judgment, either absolutely or upon such conditions as they may impose, in all cases of offenses against the State except treason or conviction on impeachment. The Legislature shall by law prescribe the ses-

sions of said board and the manner in which application shall be made and regulate the proceedings thereon; but no fine or forfeiture shall be remitted, and no commutation or pardon granted, except by the decision of a majority of said board, after a full hearing in open session, and until previous notice of the time and place of such hearing and the release applied for shall have been given by publication in some newspaper of general circulation at least once a week for four weeks. The proceedings and decision of the board shall be reduced to writing and with their reasons for their action in each case, and the dissent of any member who may disagree, signed by him, and filed, with all papers used upon the hearing, in the office of the Secretary of State.

The Governor shall have power to grant respites or reprieves in all cases of convictions for offenses against the State, except treason or conviction on impeachment, but such respites or reprieves shall not extend beyond the next session of the board of pardons; and such board shall at such session continue or determine such respite or reprieve, or they may commute or pardon the offense, as herein provided. In cases of conviction for treason the governor shall have the power to suspend the execution of the sentence until the case shall be reported to the Legislature at its next regular session, when the Legislature shall either pardon or commute the sentence, direct its execution, or grant a further reprieve. He shall communicate to the Legislature, at each regular session, each case of remission of fine or forfeiture, reprieve, commutation, or pardon granted since the last previous report, stating the name of the convict, the crime of which he was convicted, the sentence and its date, and the date of remission, commutation, pardon, or reprieve, with the reasons for granting the same, and the objections, if any, of any member of the board made thereto.

SEC. 8. The Governor may require information in writing from the officers of the executive department upon any subject relating to the duties of their respective offices, which information shall be given upon oath whenever so required; he may also require information in writing, at any time, under oath, from all officers and managers of State institutions, upon any subject relating to the condition, management and expenses of their respective offices and institutions, and may at any time he deems it necessary, appoint a committee to investigate and report to him upon the condition of any executive office or State institution. The Governor shall at the commencement of

each session, and from time to time, by message, give to the Legislature information of the condition of the State, and shall recommend such measures as he shall deem expedient. He shall also send to the Legislature a statement, with vouchers, of the expenditures of all moneys belonging to the State and paid out by him. He shall also, at the commencement of each session, present estimates of the amount of money required to be raised by taxation for all purposes of the State.

SEC. 9. The Governor may, on extraordinary occasions, convene the Legislature by proclamation, stating the purposes for which he has convened it; but when so convened it shall have no power to legislate on any subjects other than those specified in the proclamation; but may provide for the expenses of the session and other matters incidental thereto. He may also, by proclamation, convene the Senate in extraordinary session for the transaction of executive business.

SEC. 10. Every bill passed by the Legislature shall, before it becomes a law, be presented to the Governor. If he approve, he shall sign it, and thereupon it shall become a law; but if he do not approve, he shall return it with his objections to the House in which it originated, which House shall enter the objections at large upon its journals and proceed to reconsider the bill. If then two-thirds of the members present agree to pass the same it shall be sent, together with the objections, to the other House, by which it shall likewise be reconsidered; and if approved by two-thirds of the members present in that House, it shall become a law, notwithstanding the objections of the Governor. In all such cases the vote of each House shall be determined by yeas and nays, to be entered on the journal. Any bill which shall not be returned by the Governor to the Legislature within five days, (Sundays excepted) after it shall have been presented to him, shall become a law in like manner, as if he had signed it, unless the Legislature shall, by adjournment, prevent its return, in which case it shall be filed, with his objections, in the office of the Secretary of State within ten days after such adjournment (Sundays excepted) or become a law.

SEC. 11. The Governor shall have power to disapprove of any item or items of any bill making appropriations of money embracing distinct items, and the part or parts approved shall become a law and the item or items disapproved shall be void, unless enacted in the manner following: If the Legislature be in session, he shall within five days transmit to the House

within which the bill originated a copy of the item or items thereof disapproved, together with his objections thereto, and the items objected to shall be separately reconsidered, and each item shall then take the same course as is prescribed for the passage of bills over the executive veto.

SEC. 12. In case of the failure to qualify, the impeachment, or conviction of treason, felony, or other infamous crime of the Governor, or his death, removal from office, resignation, absence from the State, or inability to discharge the powers and duties of his office, the powers, duties and emoluments of the office for the residue of the term, or until the disability shall cease, shall devolve upon the Lieutenant-Governor.

SEC. 13. The Lieutenant-Governor shall be President of the Senate, but shall vote only when the Senate is equally divided. In case of the absence or disqualification of the Lieutenant-Governor from any cause which applies to the Governor, or when he shall hold the office of Governor, then the president pro tempore of the Senate shall perform the duties of the Lieutenant-Governor until the vacancy is filled or the disability removed.

SEC. 14. In case of the failure to qualify in his office, death, resignation, absence from the State, impeachment, conviction of treason, felony or other infamous crime, or disqualification from any cause, of both Governor and Lieutenant-Governor, the duties of the Governor shall devolve upon the president of the Senate pro tempore, until such disqualification of either the Governor or Lieutenant-Governor be removed, or the vacancy filled; and if the president of the Senate, for any of the above named causes, shall become incapable of performing the duties of Governor, the same shall devolve upon the speaker of the House.

SEC. 15. There shall be a seal of this State, which shall be kept by the Secretary of State and used by him officially, and shall be called "The great seal of the State of Idaho." The seal of the Territory of Idaho, as now used, shall be the seal of the State until otherwise provided by law.

SEC. 16. All grants and permissions shall be in the name and by the authority of the State of Idaho, sealed with the great seal of the State, signed by the Governor, and countersigned by the Secretary of State.

SEC. 17. An account shall be kept by the officers of the executive department and of all public institutions of the State of all moneys received by them severally, from all sources, and

for every service performed, and of all moneys disbursed by them severally, and a semi-annual report thereof shall be made to the Governor, under oath: they shall also, at least twenty days preceding each regular session, of the Legislature, make full and complete reports of their official transactions to the Governor, who shall transmit the same to the Legislature.

SEC. 18. The Governor, Secretary of State, and Attorney-General shall constitute a board of State prison commissioners, which board shall have such supervision of all matters connected with the State prison as may be prescribed by law. They shall also constitute a board of examiners, with power to examine all claims against the State, except salaries or compensation of officers fixed by law, and perform such other duties as may be prescribed by law. And no claim against the State, except salaries and compensation of officers fixed by law, shall be passed upon by the Legislature without first having been considered and acted upon by said board.

SEC. 19. The Governor, Secretary of State, State Auditor, State Treasurer, Attorney-General, and Superintendent of Public Instruction shall, quarterly as due, during their continuance in office, receive for their services compensation, which for the term next ensuing after the adoption of this Constitution, is fixed as follows: Governor, three thousand dollars per annum: Secretary of State, one thousand eight hundred dollars per annum: State Auditor, one thousand eight hundred dollars per annum: State Treasurer, one thousand dollars per annum: Attorney-General, two thousand dollars per annum: and Superintendent of Public Instruction, one thousand five hundred dollars per annum. The Lieutenant-Governor shall receive the same per diem as may be provided by law for the speaker of the House of Representatives, to be allowed only during the session of the Legislature. The compensations enumerated shall be in full for all services by said officers respectively, rendered in any official capacity or employment whatever during their respective terms of office.

No officer named in this section shall receive for the performance of any official duty any fee for his own use, but all fees fixed by law for the performance by either of them of any official duty shall be collected in advance and deposited with the State Treasurer quarterly to the credit of the State. The Legislature may, by law, diminish or increase the compensation of any or all of the officers named in this section, but no such diminution or increase shall affect the salaries of the officers

then in office during their term- PROVIDED, HOWEVER, The Legislature may provide for the payment of actual and necessary expenses to the Governor, Lieutenant-Governor, Secretary of State, Attorney-General, and Superintendent of Public Instruction, while traveling within the State in the performance of official duty.

## ARTICLE V.

### JUDICIAL DEPARTMENT.

**SECTION 1.** The distinctions between actions at law and suits in equity, and the forms of all such actions and suits, are hereby prohibited; and there shall be in this State but one form of action for the enforcement or protection of private rights or the redress of private wrongs, which shall be denominated a civil action; and every action prosecuted by the people of the State as a party against a person charged with a public offense for the punishment of the same, shall be termed a criminal action.

Feigned issues are prohibited, and the fact at issue shall be tried by order of court before a jury.

**SEC. 2.** The judicial power of the State shall be vested in a court for the trial of impeachments, a supreme court, district courts, probate courts, courts of justices of the peace, and such other courts inferior to the supreme court as may be established by law for any incorporated city or town.

**SEC. 3.** The court for the trial of impeachments shall be the senate. A majority of the members elected shall be necessary to a quorum, and the judgment shall not extend beyond removal from, and disqualification to hold office in this State; but the party shall be liable to indictment and punishment according to law.

**SEC. 4.** The house of representatives solely shall have the power of impeachment. No person shall be convicted without the concurrence of two-thirds of the senators elected. When the Governor is impeached the Chief Justice shall preside.

**SEC. 5.** Treason against the State shall consist only in levying war against it, or adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court. No conviction of treason or attainder shall work corruption of blood or forfeiture of estate.

SEC. 6. The supreme court shall consist of three Justices, a majority of whom shall be necessary to make a quorum or pronounce a decision. The Justices of the supreme court shall be elected by the electors of the State at large. The terms of office of the justices of the supreme court, except as in this article otherwise provided, shall be six years. The Justices of the supreme court shall, immediately after the first election under this Constitution, be selected by lot, so that one shall hold his office for the term of two years, one for the term of four years, and one for the term of six years. The lots shall be drawn by the Justices of the supreme court, who shall, for that purpose, assemble at the seat of government, and they shall cause the result thereof to be certiffed to by the Secretary of State and filed in his office. The Justice having the shortest term to serve, not holding his office by appointment or election to fill a vacancy, shall be the Chief Justice, and shall preside at all terms of the supreme court, and, in case of his absence, the Justice having in like manner the next shortest term to serve shall preside in his stead.

SEC. 7. No Justice of the supreme court shall be eligible to any other office of trust or profit under the laws of this State during the term for which he was elected.

SEC. 8. At least four terms of the supreme court shall be held annually : two terms at the seat of State government, and two terms at the city of Lewiston, in Nez Perce County. In case of epidemic, pestilence, or destruction of court houses, the Justices may hold the terms of the supreme court provided by this section at other convenient places, to be fixed by a majority of said Justices. After six years the Legislature may alter the provisions of this section.

SEC. 9. The supreme court shall have jurisdiction to review, upon appeal, any decision of the district courts, or the judges thereof. The supreme court shall also have original jurisdiction to issue writs of mandamus, certiorari, prohibition, and habeas corpus, and all writs necessary or proper to the complete exercise of its appellate jurisdiction.

SEC. 10. The supreme court shall have original jurisdiction to hear claims against the State, but its decision shall be merely recommendatory ; no process in the nature of execution shall issue thereon ; they shall be reported to the next session of the Legislature for its action.

SEC. 11. The State shall be divided into five judicial districts, for each of which a judge shall be chosen by the qualified

electors thereof, whose term of office shall be four years. And there shall be held a district court in each county, at least twice in each year, to continue for such time in each county as may be prescribed by law; but the Legislature may reduce or increase the number of districts, district judges, and district attorneys. This section shall not be construed to prevent the holding of special terms under such regulations as may be provided by law.

SEC. 12. Every judge of the district court shall reside in the district for which he is elected. A judge of any district court may hold a district court in any county at the request of the judge of the district court thereof, and upon the request of the Governor it shall be his duty to do so; but a cause in the district court may be tried by a judge pro tempore, who must be a member of the bar, agreed upon in writing by the parties litigant, or their attorneys of record, and sworn to try the cause.

SEC. 13. The Legislature shall have no power to deprive the judicial department of any power or jurisdiction which rightfully pertains to it as a co-ordinate department of the government; but the Legislature shall provide a proper system of appeals, and regulate by law, when necessary, the methods of proceeding in the exercise of their powers of all the courts below the supreme court, so far as the same may be done without conflict with this Constitution.

SEC. 14. The Legislature may provide for the establishment of special courts for the trial of misdemeanors in incorporated cities and towns where the same may be necessary.

SEC. 15. The clerk of the supreme court shall be appointed by the court, and shall hold his office during the pleasure of the court. He shall receive such compensation for his services as may be provided by law.

SEC. 16. A clerk of the district court for each county shall be elected by the qualified voters thereof at the time and in the manner prescribed by law for the election of members of the Legislature, and shall hold his office for the term of four years.

SEC. 17. The salary of the Justices of the supreme court, until otherwise provided by the Legislature, shall be three thousand dollars each per annum, and the salary of the judges of the district court, until otherwise provided by the Legislature, shall be three thousand dollars each per annum, and no Justice of the supreme court, or judge of the district court, shall be paid his salary, or any part thereof, unless he shall have first taken and subscribed an oath that there is not in his hands any matter in controversy not decided by him which had

been finally submitted for his consideration and determination, thirty days prior to the taking and subscribing such oath.

SEC. 18. A district attorney shall be elected for each judicial district by the qualified electors thereof, who shall hold office for the term of four years, and perform such duties as may be prescribed by law. He shall be a practicing attorney at law and a resident and elector of the district. He shall receive as compensation for his services twenty-five hundred dollars per annum.

SEC. 19. All vacancies occurring in the offices provided for by this article of the Constitution shall be filled as provided by law.

SEC. 20. The district court shall have original jurisdiction in all cases, both at law and in equity, and such appellate jurisdiction as may be conferred by law.

SEC. 21. The probate courts shall be courts of record, and shall have original jurisdiction in all matters of probate, settlement of estates of deceased persons, and appointment of guardians; also jurisdiction to hear and determine all civil cases wherein the debt or damage claimed does not exceed the sum of five hundred dollars, exclusive of interest, and concurrent jurisdiction with justices of the peace in criminal cases.

SEC. 22. In each county of this State there shall be elected justices of the peace as prescribed by law. Justices of the peace shall have such jurisdiction as may be conferred by law, but they shall not have jurisdiction of any cause wherein the value of the property or the amount in controversy exceeds the sum of three hundred dollars, exclusive of interest, nor where the boundaries or title to any real property shall be called in question.

SEC. 23. No person shall be eligible to the office of district judge unless he be learned in the law, thirty years of age, and a citizen of the United States, and shall have resided in the State or Territory at least two years next preceding his election, nor unless he shall have been at the time of his election, an elector in the judicial district for which he is elected.

SEC. 24. Until otherwise provided by law, the judicial districts shall be five in number, and constituted of the following counties, viz: First district, Shoshone and Kootenai; second district, Latah, Nez Perce, and Idaho; third district, Washington, Ada, Boise, and Owyhee; fourth district, Cassia, Elmore, Logan, and Alturas; fifth district, Bear Lake, Bingham, Oneida, Lemhi, and Custer.

SEC. 25. The judges of the district courts shall, on or before

the first day of July in each year, report in writing to the Justices of the supreme court, such defects or omissions in the laws as their knowledge and experience may suggest, and the Justices of the supreme court shall, on or before the first day of December of each year, report in writing to the Governor, to be by him transmitted to the Legislature, together with his message, such defects and omissions in the Constitution and laws as they may find to exist.

SEC. 26. All laws relating to courts shall be general and of uniform operation throughout the State, and the organized judicial powers, proceedings, and practices of all the courts of the same class or grade, so far as regulated by law, and the force and effect of the proceedings, judgments, and decrees of such courts, severally, shall be uniform.

SEC. 27. The Legislature may by law diminish or increase the compensation of any or all the following officers, to-wit: Governor, Lieutenant-Governor, Secretary of State, State Auditor, State Treasurer, Attorney-General, Superintendent of Public Instruction, commissioner of immigration and labor, Justices of the Supreme Court, and judges of the district courts and district attorneys; but no diminution or increase shall affect the compensation of the officer then in office during his term: PROVIDED, HOWEVER. That the Legislature may provide for the payment of actual and necessary expenses of the Govornor, Secretary of State, Attorney-General, and Superintendent of Public Instruction incurred while in performance of official duty.

## ARTICLE VI.

### SUFFRAGE AND ELECTIONS.

SECTION 1. All elections by the people must be by ballot. An absolutely secret ballot is hereby guaranteed, and it shall be the duty of the Legislature to enact such laws as shall carry this section into effect.

SEC. 2. Except as in this article otherwise provided, every male citizen of the United States, twenty-one years old, who has actually resided in this State or Territory for six months, and in the county where he offers to vote, thirty days next preceding the day of election, if registered as provided by law, is a qaliified elector; and until othewise provided by the Legislature, women who have the qualifications prescribed in this article,

may continue to hold such school offices and vote at such school elections as provided by the laws of Idaho Territory.

SEC. 3. No person is permitted to vote, serve as a juror, or hold any civil office who is under guardianship, idiotic or insane, or who has, at any place, been convicted of treason, felony, embezzlement of the public funds, bartering or selling, or offering to barter or sell his vote, or purchasing or offering to purchase the vote of another, or other infamous crime, and who has not been restored to the rights of citizenship, or who, at the time of such election, is confined in prison on conviction of a criminal offense, or who is a bigamist or polygamist, or is living in what is known as patriarchal, plural or celestial marriage, or in violation of any law of this State, or of the United States, forbidding any such crime; or who, in any manner, teaches, advises, counsels, aids, or encourages any person to enter into bigamy, polygamy, or such patriarchal, plural, or celestial marriage, or to live in violation of any such law, or to commit any such crime; or who is a member of or contributes to the support, aid, or encouragement of any order, organization, association, corporation or society, which teaches, advises, counsels, encourages, or aids any person to enter into bigamy, polygamy or such patriarchal, or plural marriage, or which teaches or advises that the laws of this State prescribing rules of civil conduct, are not the supreme law of the State; nor shall Chinese, or persons of Mongolian descent, not born in the United States, nor Indians not taxed, who have not severed their tribal relations and adopted the habits of civilization, either vote, serve as jurors, or hold any civil office.

SEC. 4 The Legislature may prescribe qualifications, limitations, and conditions for the right of suffrage additional to those prescribed in this article, but shall never annul any of the provisions in this article contained.

SEC. 5. For the purpose of voting, no person shall be deemed to have gained or lost a residence by reason of his presence or absence while employed in the service of this State, or of the United States, nor while engaged in the navigation of the waters of this State or of the United States, nor while a student of any institution of learning, nor while kept at any alms-house or other asylum at the public expense.

## ARTICLE VII.

### FINANCE AND REVENUE.

SECTION 1. The fiscal year shall commence on the second Monday of January in each year, unless otherwise provided by law.

SEC. 2. The Legislature shall provide such revenue as may be needful, by levying a tax by valuation, so that every person or corporation shall pay a tax in proportion to the value of his, her, or its property, except as in this article hereinafter otherwise provided. The Legislature may also impose a license tax (both upon natural persons and upon corporations, other than municipal, doing business in this State); also a per capita tax: PROVIDED, The legislature may exempt a limited amount of improvements upon land from taxation.

SEC. 3. The word "property" as herein used shall be defined and classified by law.

SEC. 4. The property of the United States, the State, counties, towns, cities, and other municipal corporations and public libraries, shall be exempt from taxation.

SEC. 5. All taxes shall be uniform upon the same class of subjects within the territorial limits, of the authority levying the tax, and shall be levied and collected under general laws, which shall prescribe such regulations as shall secure a just valuation for taxation of all property, real and personal: PROVIDED, That the Legislature may allow such exemptions from taxation from time to time as shall seem necessary and just, and all existing exemptions provided by the laws of the Territory, shall continue until changed by the Legislature of the State: PROVIDED, FURTHER, That duplicate taxation of property for the same purpose during the same year, is hereby prohibited.

SEC. 6. The Legislature shall not impose taxes for the purpose of any county, city, town, or other municipal corporation, but may by law invest in the corporate authorities thereof, respectively, the power to assess and collect taxes for all purposes of such corporation.

SEC. 7. All taxes levied for State purposes shall be paid into the State Treasury, and no county, city, town, or other municipal corporation, the inhabitants thereof, nor the property therein, shall be released or discharged from their or its proportionate share of taxes to be levied for State purposes.

SEC. 8. The power to tax corporations or corporate property, both real and personal, shall never be relinquished or suspended, and all corporations in this State or doing business therein, shall be subject to taxation for State, county, school, municipal, and other purposes, on real and personal property owned or used by them, and not by this Constitution exempted from taxation within the territorial limits of the authority levying the tax.

SEC. 9. The rate of taxation of real and personal property for State purposes shall never exceed ten (10) mills on each dollar of assessed valuation: and if the taxable property in the State shall amount to fifty million (50,000,000) dollars the rate shall not exceed five (5) mills on each dollar of valuation; and whenever the taxable property in the State shall amount to one hundred million (100,000,000) dollars, the rate shall not exceed three (3) mills on each dollar of valuation: and whenever the taxable property in the State shall amount to three hundred million (300,000,000) dollars the rate shall never thereafter exceed one and one-half ( $1\frac{1}{2}$ ) mills on each dollar of valuation, unless a proposition to increase such rate, specifying the rate proposed and the time during which the same shall be levied, shall have been submitted to the people at a general election, and shall have received a majority of all the votes cast for and against it at such election.

SEC. 10. The making of profit, directly or indirectly, out of State, county, city, town, township, or school district money, or using the same for any purpose not authorized by law, by any public officer, shall be deemed a felony, and shall be punished as provided by law.

SEC. 11. No appropriation shall be made, nor any expenditure authorized by the Legislature, whereby the expenditure of the State during any fiscal year shall exceed the total tax then provided for by law, and applicable to such appropriation or expenditure unless the Legislature making such appropriation shall provide for levying a sufficient tax, not exceeding the rates allowed in section nine (9) of this article, to pay such appropriation or expenditure within such fiscal year. This provision shall not apply to appropriations or expenditures to suppress insurrection, defend the State, or assist in defending the United States in time of war.

SEC. 12. There shall be a State board of equalization, consisting of the Governor, Secretary of State, Attorney-General, State Auditor, and State Treasurer, whose duties shall be pre-

scribed by law. The board of county commissioners for the several counties of the State, shall constitute boards of equalization for their respective counties, whose duty it shall be to equalize the valuation of the taxable property in the county, under such rules and regulations as shall be prescribed by law.

**SEC. 13.** No money shall be drawn from the treasury, but in pursuance of appropriations made by law.

**SEC. 14.** No money shall be drawn from the county treasuries except upon the warrant of a duly authorized officer, in such manner and form as shall be prescribed by the Legislature.

**SEC. 15.** The Legislature shall provide by law, such a system of county finance, as shall cause the business of the several counties to be conducted on a cash basis. It shall also provide that whenever any county shall have any warrants outstanding and unpaid, for the payment of which there are no funds in the county treasury, the county commissioners, in addition to other taxes provided by law, shall levy a special tax, not to exceed ten (10) mills on the dollar, of taxable property, as shown by the last preceding assessment, for the creation of a special fund for the redemption of said warrants; and after the levy of such special tax, all warrants issued before such levy, shall be paid exclusively out of said fund. All moneys in the county treasury at the end of each fiscal year, not needed for current expenses, shall be transferred to said redemption fund.

**SEC. 16.** The Legislature shall pass all laws necessary to carry out the provisions of this article.

## ARTICLE VIII.

### PUBLIC INDEBTEDNESS AND SUBSIDIES

**SECTION 1.** The Legislature shall not in any manner create any debt or debts, liability or liabilities, which shall singly or in the aggregate, exclusive of the debt of the Territory at the date of its admission as a State, exceed the sum of one and one-half per centum upon the assessed value of the taxable property in the State, except in case of war, to repel an invasion or suppress insurrection, unless the same shall be authorized by law for some single object or work to be distinctly specified therein, which law shall provide ways and means, exclusive of loans, for the payment of the interest of such debt or liability, as it falls due; and also for the payment and discharge of the principal of

such debt or liability, within twenty years of the time of the contracting thereof, and shall be irrepealable until the principal and interest thereon shall be paid and discharged; but no such law shall take effect until at a general election it shall have been submitted to the people, and shall have received a majority of all the votes cast for and against it at such election; and all moneys raised by the authority of such law, shall be applied only to the specified object therein stated, or to the payment of the debt thereby created, and such law shall be published in at least one newspaper in each county, or city and county, if one be published therein, throughout the State, for three months next preceding the election at which it is submitted to the people. The Legislature may, at any time after the approval of such law, by the people, if no debt shall have been contracted in pursuance thereof, repeal the same.

SEC. 2. The credit of the State shall not, in any manner, be given, or loaned to, or in aid of any individual, association, municipality or corporation: nor shall the State directly or indirectly, become a stockholder in any association or corporation.

SEC. 3. No county, city, town, township, board of education, or school district, or other sub-division of the State, shall incur any indebtedness, or liability in any manner, or for any purpose, exceeding in that year, the income and revenue provided for it for such year, without the assent of two-thirds of the qualified electors thereof, voting at an election to be held for that purpose, nor unless, before or at the time of incurring such indebtedness provision shall be made for the collection of an annual tax sufficient to pay the interest on such indebtedness as it falls due, and also to constitute a sinking fund for the payment of the principal thereof, within twenty years from the time of contracting the same. Any indebtedness or liability incurred contrary to this provision shall be void: PROVIDED, That this section shall not be construed to apply to the ordinary and necessary expenses authorized by the general laws of the State.

SEC. 4. No county, city, town, township, board of education, or school district, or other sub-division, shall lend, or pledge the credit or faith thereof directly or indirectly, in any manner, to, or in aid of any individual, association or corporation, for any amount or for any purpose whatever, or become responsible for any debt, contract or liability of any individual, association or corporation in or out of this State.

## ARTICLE IX.

### EDUCATION AND SCHOOL LANDS.

SECTION 1. The stability of a republican form of government depending mainly upon the intelligence of the people, it shall be the duty of the Legislature of Idaho, to establish and maintain a general, uniform and thorough system of public, free common schools.

SEC. 2. The general supervision of the public schools of the State shall be vested in a board of education, whose powers and duties shall be prescribed by law; the Superintendent of Public Instruction, the Secretary of State and Attorney-General, shall constitute the board, of which the Superintendant of Public Instruction shall be president.

SEC. 3. The public school fund of the State shall forever remain inviolate and intact: the interest thereon only shall be expended in the maintenance of the schools of the State, and shall be distributed among the several counties and school districts of the State in such manner as may be prescribed by law. No part of this fund, principal or interest, shall ever be transferred to any other fund, or used or appropriated except as herein provided. The State Treasurer shall be the custodian of this fund, and the same shall be securely and profitably invested as may be by law directed. The State shall supply all losses thereof that may in any manner occur.

SEC. 4. The public school fund of the State shall consist of the proceeds of such lands as have heretofore been granted, or may hereafter be granted, to the State by the general government, known as school lands, and those granted in lieu of such lands acquired by gift or grant from any person or corporation, under any law or grant of the general government; and of all other grants of land or money made to the State from the general government for general educational purposes, or where no other special purpose is indicated in such grant; all estates or distributive shares of estates that may escheat to the State; all unclaimed shares and dividends of any corporation incorporated under the laws of the State; and all other grants, gifts, devises, or bequests made to the State for general educational purposes.

SEC. 5. Neither the Legislature, nor any county, city, town, township, school district, or other public corporation, shall ever make any appropriation, or pay from any public fund or moneys whatever, anything in aid of any church or sectarian, or religious society, or for any sectarian or religious purpose, or to

help support or sustain any school, academy, seminary, college, university or other literary or scientific institution, controlled by any church or sectarian or religious denomination whatsoever; nor shall any grant or donation of land, money or other personal property ever be made by the State, or any such public corporation, to any church or for any sectarian or religious purpose.

SEC. 6. No religious test or qualification shall ever be required of any person as a condition of admission into any public educational institution of the State, either as teacher or student: and no teacher or student of any such institution shall ever be required to attend or participate in any religious service whatever. No sectarian or religious tenets or doctrines shall ever be taught in the public schools, nor shall any distinction or classification of pupils be made on account of race or color. No books, papers, tracts or documents of a political, sectarian or denominational character shall be used or introduced in any schools established under the provisions of this article, nor shall any teacher or any district receive any of the public school moneys in which the schools have not been taught in accordance with the provisions of this article.

SEC. 7. The Governor, Superintendent of Public Instruction, Secretary of State, and Attorney-General, shall constitute the State board of land commissioners, who shall have the direction, control and disposition of the public lands of the State, under such regulations as may be prescribed by law.

SEC. 8. It shall be the duty of the State board of land commissioners to provide for the location, protection, sale or rental of all the lands heretofore, or which may hereafter be, granted to the State by the general government, under such regulations as may be prescribed by law, and in such manner as will secure the maximum possible amount therefor: PROVIDED, That no school lands shall be sold for less than ten (10) dollars per acre. No law shall ever be passed by the Legislature granting any privileges to persons who may have settled upon any such public lands, subsequent to the survey thereof by the general government, by which the amount to be derived by the sale, or other disposition of such lands, shall be diminished, directly or indirectly. The Legislature shall, at the earliest practicable period, provide by law that the general grants of land made by Congress to the State shall, be judiciously located and carefully preserved and held in trust, subject to disposal at public auction for the use and benefit of

the respective objects for which said grants of land were made, and the Legislature shall provide for the sale of said lands from time to time, and for the sale of timber on all State lands, and for the faithful application of the proceeds thereof in accordance with the terms of said grants: PROVIDED, That not to exceed twenty-five sections of school lands shall be sold in any one year, and to be sold in subdivisions of not to exceed one hundred and sixty (160) acres to any one individual, company or corporation.

SEC. 9. The Legislature may require by law that every child of sufficient mental and physical ability shall attend the public school throughout the period between the ages of six and eighteen years, for a time equivalent to three years, unless educated by other means.

SEC. 10. The location of the university of Idaho, as established by existing laws is hereby confirmed. All the rights, immunities, franchises, and endowments heretofore granted thereto by the Territory of Idaho are hereby perpetuated unto the said university. The Regents shall have the general supervision of the university, and the control and direction of all the funds of, and appropriations to, the university, under such regulations as may be prescribed by law. No university lands shall be sold for less than ten dollars per acre, and in subdivisions not to exceed one hundred any sixty acres, to any one person, company or corporation.

SEC. 11. The permanent educational funds, other than funds arising from the disposition of university lands belonging to the State, shall be loaned on first mortgage on improved farm lands within the State, or on State or United States bonds, under such regulations as the Legislature may provide: PROVIDED, That no loan shall be made of any amount of money exceeding one-third of the market value of the lands at the time of the loan, exclusive of buildings.

## ARTICLE X.

### PUBLIC INSTITUTIONS.

SECTION 1. Educational, reformatory, and penal institutions, and those for the benefit of the insane, blind, deaf and dumb, and such other institutions as the public good may require, shall be established and supported by the State in such manner as may be prescribed by law.

SEC. 2 The seat of government of the State of Idaho shall be located at Boise City for twenty years from the admission of the State, after which time the Legislature may provide for its re-location, by submitting the question to a vote of the electors of the State at some general election.

SEC. 3. The Legislature may submit the question of the location of the seat of government to the qualified voters of the State at the general election, then next ensuing, and a majority of all the votes upon said question cast at said election shall be necessary to determine the location thereof. Said Legislature shall also provide that in case there shall be no choice of location at said election the question of choice between the two places for which the highest number of votes shall have been cast shall be submitted in like manner to the qualified electors of the State at the next general election.

SEC. 4. All property and institutions of the Territory, shall, upon adoption of the Constitution, become the property and institutions of the State of Idaho.

SEC. 5. The Governor, Secretary of State, and Attorney-General shall constitute a board, to be known as the State prison commissioners, and shall have the control, direction and management of the penitentiaries of the State. The Governor shall be chairman, and the board shall appoint a warden, who may be removed at pleasure. The warden shall have the power to appoint his subordinates, subject to the approval of the said board.

SEC. 6. There shall be appointed by the Governor three directors of the asylum for the insane, who shall be confirmed by the senate. They shall have the control, direction, and management of the said asylums, under such regulations as the Legislature shall provide, and hold their offices for a period of two years. The directors shall have the appointment of the medical superintendent, who shall appoint the assistants with the approval of the directors.

SEC. 7. The Legislature for sanitary reasons may cause the removal to more suitable localities of any of the institutions mentioned in section one of this article.

## ARTICLE XI.

### CORPORATIONS, PUBLIC AND PRIVATE.

SECTION 1. All existing charters or grants of special or ex-

elusive privileges, under which the corporators or grantees shall not have organized or commenced business in good faith at the time of the adoption of this Constitution, shall thereafter have no validity.

SEC. 2. No charter of incorporation shall be granted, extended, changed or amended by special law, except for such municipal, charitable, educational, penal, or reformatory corporations as are or may be, under the control of the State; but the Legislature shall provide by general law for the organization of corporations hereafter to be created: PROVIDED, That any such general law shall be subject to future repeal or alteration by the Legislature.

SEC. 3. The Legislature may provide by law for altering, revoking, or annulling any charter of incorporation existing and revocable at the time of the adoption of this Constitution, in such manner, however, that no injustice shall be done to the corporators.

SEC. 4. The Legislature shall provide by law that in all elections for directors or managers of incorporated companies, every stockholder shall have the right to vote in person or by proxy, for the number of shares of stock owned by him, for as many persons as there are directors or managers to be elected, or to cumulate said shares, and give one candidate as many votes as the number of directors multiplied by the number of his shares of stock, shall equal, or to distribute, them on the same principle among as many candidates as he shall think fit, and such directors shall not be elected in any other manner.

SEC. 5. All railroads shall be public highways, and all railroad, transportation, and express companies shall be common carriers, and subject to legislative control, and the Legislature shall have power to regulate and control by law, the rates of charges for the transportation of passengers and freight by such companies or other common carriers from one point to another in the State. Any association or corporation organized for, the purpose, shall have the right to construct and operate a railroad between any designated points within this State, and to connect within or at the State line with railroads of other States and Territories. Every railroad company shall have the right with its road, to intersect, connect with, or cross any other railroad, under such regulations as may be prescribed by law, and upon making due compensation.

SEC. 6. All individuals, associations, and corporations, similarly situated shall have equal rights to have persons or prop-

erty transported on and over any railroad, transportation, or express route in this State, except that preference may be given to perishable property. No undue or unreasonable discrimination shall be made in charges or facilities for transportation of freight or passengers of the same class, by any railroad, or transportation, or express company, between persons or places within the State; but excursion or commutation tickets may be issued and sold at special rates, provided such rates are the same to all persons. No railroad, or transportation, or express company shall be allowed to charge, collect or receive, under penalties which the Legislature shall prescribe, any greater charge or toll for the transportation of freight or passengers, to any place or station upon its route or line, than it charges for the transportation of the same class of freight or passengers to any more distant place or station upon its route or line within this State. No railroad, express, or transportation company, nor any lessee, manager, or other employee thereof, shall give any preference to any individual, association, or corporation, in furnishing cars or motive power or for the transportation of money or other express matter.

SEC. 7. No corporation other than municipal corporations in existence at the time of the adoption of this Constitution, shall have the benefit of any future legislation, without first filing in the office of the Secretary of State an acceptance of the provisions of this Constitution in binding form.

SEC. 8. The right of eminent domain shall never be abridged, or so construed as to prevent the Legislature from taking the property and franchise of incorporated companies, and subjecting them to public use, the same as property of individuals; and the police powers of the State shall never be abridged or so construed as to permit corporations to conduct their business in such manner as to infringe the equal rights of individuals, or the general well-being of the State.

SEC. 9. No corporation shall issue stocks or bonds, except for labor done, services performed, or money or property actually received; and all fictitious increase of stock or indebtedness shall be void. The stock of corporations shall not be increased except in pursuance of general law, nor without the consent of the persons, holding a majority of the stock, first obtained at a meeting, held after at least thirty days' notice given in pursuance of law.

SEC. 10. No foreign corporation shall do any business in this State without having one or more known places of business,

and, an authorized agent or agents in the same, upon whom process may be served, and no company or corporation formed under the laws of any other country, State, or Territory, shall have or be allowed to exercise or enjoy, within this State any greater rights or privileges than those possessed or enjoyed by corporations of the same or similar character created under the laws of this State.

SEC. 11. No street, or other railroad, shall be constructed within any city, town, or incorporated village without the consent of the local authorities having the control of the street or highway proposed to be occupied by such street or other railroad.

SEC. 12. The Legislature shall pass no law for the benefit of a railroad, or other corporation, or any individual or association of individuals retroactive in its operation, or which imposes on the people of any county or municipal subdivision of the State, a new liability in respect to transactions or considerations already past.

SEC. 13. Any association or corporation, or the lessees or managers thereof, organized for the purpose, or any individual, shall have the right to construct and maintain lines of telegraph or telephone within this State, and connect the same with other lines; and the Legislature shall by general law of uniform operation provide reasonable regulations to give full effect to this section.

SEC. 14. If any railroad, telegraph, express, or other corporation, organized under any of the laws of this State shall consolidate by sale or otherwise with any railroad, telegraph, express, or other corporation organized under any of the laws of any other State or Territory, or of the United States, the same shall not thereby become a foreign corporation, but the courts of this State shall retain jurisdiction over that part of the corporate property within the limits of the State in all matters that may arise, as if said consolidation had not taken place.

SEC. 15. The Legislature shall not pass any law permitting the leasing or alienation of any franchise so as to release or relieve the franchise or property held thereunder from any of the liabilities of the lessor or grantor, or lessee or grantee, contracted or incurred in the operation, use, or enjoyment of such franchise, or any of its privileges.

SEC. 16. The term "corporation" as used in this article, shall be held and construed to include all associations and joint stock

companies having or exercising any of the powers or privileges of corporations not possessed by individuals or partnerships.

SEC. 17. Dues from private corporations shall be secured by such means as may be prescribed by law, but in no case shall any stockholder be individually liable in any amount over or above the amount of stock owned by him.

SEC. 18. That no incorporated company, or any association of persons or stock company, in the State of Idaho, shall directly or indirectly combine or make any contract with any other incorporated company, foreign or domestic, through their stockholders or the trustees or assignees of such stockholders, or in any manner whatsoever, for the purpose of fixing the price or regulating the production of any article of commerce or of produce of the soil, or of consumption by the people; and that the Legislature be required to pass laws for the enforcement thereof, by adequate penalties, to the extent, if necessary for that purpose, of the forfeiture of their property and franchise.

## ARTICLE XII.

### CORPORATIONS—MUNICIPAL.

SECTION 1. The Legislature shall provide by general laws for the incorporation, organization, and classification of the cities and towns, in proportion to the population, which laws may be altered, amended, or repealed by the general laws. Cities and towns heretofore incorporated, may become organized under such general laws, whenever a majority of the electors at a general election, shall so determine, under such provision therefor as may be made by the Legislature.

SEC. 2. Any county or incorporated city or town may make and enforce, within its limits, all such local, police, sanitary, and other regulations as are not in conflict with its charter or with the general laws.

SEC. 3. The State shall never assume the debts of any county, town, or other municipal corporation, unless such debts shall have been created to repel invasion, suppress insurrection or defend the State in war.

SEC. 4. No county, town, city, or other municipal corporation, by vote of its citizens or otherwise, shall ever become a stockholder in any joint stock company, corporation or association whatever, or raise money for, or make donation or loan its

credit to, or in aid of, any such company or association: PROVIDED, That cities and towns may contract indebtedness for school, water, sanitary, and illuminating purposes: PROVIDED, That any city or town contracting such indebtedness shall own its just proportion of the property thus created, and receive from any income arising therefrom, its proportion to the whole amount so invested.

### ARTICLE XIII.

#### IMMIGRATION AND LABOR.

SECTION 1. There shall be established a bureau of immigration, labor and statistics, which shall be under the charge of a commissioner of immigration, labor and statistics, who shall be appointed by the Governor, by and with the consent of the senate. The commissioner shall hold his office for two years, and until his successor shall have been appointed and qualified, unless sooner removed. The commissioner shall collect information upon the subject of labor, its relation to capital, the hours of labor and the earnings of laboring men and women, and the means of promoting their material, social, intellectual and moral prosperity. The commissioner shall annually make a report in writing to the Governor of the State of the information collected and collated by him, and containing such recommendations as he may deem calculated to promote the efficiency of the bureau.

SEC. 2. Not more than eight (8) hours' actual work shall constitute a lawful day's work on all State and municipal works.

SEC. 3. All labor of convicts confined in the State's prison shall be done within the prison grounds, except where the work is done on public works under the direct control of the State.

SEC. 4. The employment of children under the age of fourteen (14) years in underground mines is prohibited.

SEC. 5. No person, not a citizen of the United States, or who has not declared his intention to become such, shall be employed upon, or in connection with, any State or municipal works.

SEC. 6. The Legislature shall provide by proper legislation for giving to mechanics, laborers, and material men an adequate lien on the subject-matter of their labor.

SEC. 7. The Legislature may establish boards of arbitration, whose duty it shall be to hear and determine all differences and

controversies between laborers and their employers which may be submitted to them in writing by all the parties. Such boards of arbitration shall possess all the powers and authority, in respect to administering oaths, subpoenaing witnesses, and compelling their attendance, preserving order during the sittings of the board, punishing for contempt, and requiring the production of papers and writings, and all other powers and privileges, in their nature applicable, conferred by law on justices of the peace.

SEC. 8. The commissioner of immigration, labor and statistics shall perform such duties and receive such compensation as may be prescribed by law.

## ARTICLE XIV.

### MILITIA.

SECTION 1. All able-bodied male persons, residents of this State, between the ages of eighteen and forty-five years, shall be enrolled in the militia, and perform such military duty as may be required by law; but no person having conscientious scruples against bearing arms, shall be compelled to perform such duty in time of peace. Every person claiming such exemption from service, shall, in lieu thereof, pay into the school fund of the county of which he may be a resident, an equivalent in money, the amount and manner of payment to be fixed by law.

SEC. 2. The Legislature shall provide by law for the enrollment, equipment and discipline of the militia, to conform as nearly as practicable to the regulations for the government of the armies of the United States, and pass such laws to promote volunteer organizations as may afford them effectual encouragement.

SEC. 3. All militia officers shall be commissioned by the Governor, the manner of their selection to be provided by law, and may hold their commissions for such period of time as the Legislature may provide.

SEC. 4. All military records, banners, and reliques of the State, except when in lawful use, shall be preserved in the office of the adjutant-general as an enduring memorial of the patriotism and valor of the soldiers of Idaho; and it shall be the duty of the Legislature to provide by law for the safe-keeping of the same.

SEC. 5. All military organizations under the laws of this State shall carry no other device, banner, or flag than that of the United States or the State of Idaho.

SEC. 6. No armed police force, or detective agency, or armed body of men, shall ever be brought into this State for the suppression of domestic violence, except upon the application of the Legislature, or the executive when the Legislature cannot be convened.

## ARTICLE XV.

### WATER RIGHTS.

SECTION 1. The use of all waters now appropriated, or that may hereafter be appropriated for sale, rental, or distribution: also of all water originally appropriated for private use, but which after such appropriation has heretofore been, or may hereafter be sold, rented, or distributed, is hereby declared to be a public use, and subject to the regulation and control of the State in the manner prescribed by law.

SEC. 2. The right to collect rates or compensation for the use of water supplied to any county, city, or town, or water district, or the inhabitants thereof, is a franchise, and can not be exercised except by authority of and in the manner prescribed by law.

SEC. 3. The right to divert and appropriate the unappropriated waters of any natural stream to beneficial uses, shall never be denied. Priority of appropriation shall give the better right as between those using the water; but when the waters of any natural stream are not sufficient for the service of all those desiring the use of the same, those using the water for domestic purposes shall (subject to such limitations as may be prescribed by law) have the preference over those claiming for any other purpose; and those using the water for agricultural purposes shall have preference over those using the same for manufacturing purposes. And in any organized mining district, those using the water, for mining purposes, or milling purposes connected with mining, shall have preference over those using the same for manufacturing or agricultural purposes. But the usage by such subsequent appropriators shall be subject to such provisions of law regulating the taking of private property for public and private use, as referred to in section fourteen of article I, of this Constitution.

SEC. 4. Whenever any waters have been, or shall be, appropriated or used for agricultural purposes, under a sale, rental, or distribution thereof, such sale, rental, or distribution shall be deemed an exclusive dedication to such use; and whenever such waters so dedicated shall have once been sold, rented, or distributed to any person who has settled upon or improved land for agricultural purposes with the view of receiving the benefit of such water under such dedication, such person, his heirs, executors, administrators, successors, or assigns, shall not thereafter, without his consent, be deprived of the annual use of the same, when needed for domestic purposes, or to irrigate the land so settled upon or improved, upon payment therefor, and compliance with such equitable terms and conditions as to the quantity used and times of use, as may be prescribed by law.

SEC. 5. Whenever more than one person has settled upon, or improved land with the view of receiving water for agricultural purposes, under a sale, rental or distribution thereof, as in the last preceding section of this article, provided, as among such persons priority in time shall give superiority of right to the use of such water in the numerical order of such settlements or improvements: but whenever the supply of such water shall not be sufficient to meet the demands of all those desiring to use the same, such priority of right shall be subject to such reasonable limitations as to the quantity of water used and times of use as the Legislature, having due regard, both to such priority of right and the necessities of those subsequent in time of settlement or improvement, may by law prescribe.

SEC. 6. The Legislature shall provide by law the manner in which reasonable maximum rates may be established to be charged for the use of water sold, rented or distributed for any useful or beneficial purpose.

## ARTICLE XVI.

### LIVE-STOCK.

SECTION 1. The Legislature shall pass all necessary laws to provide for the protection of livestock against the introduction or spread of pleuro-pneumonia, glanders, splenetic or Texas fever, and other infectious or contagious diseases. The Legislature may also establish a system of quarantine or inspection, and such other regulations as may be necessary for the pro-

tection of stock-owners and most conducive to the stock interests within this State.

## ARTICLE XVII.

### STATE BOUNDARIES.

SECTION 1. The name of this State is Idaho, and its boundaries are as follows: Beginning at a point in the middle channel of the Snake river where the northern boundary of Oregon intersects the same; then follow down the channel of Snake river to a point opposite the mouth of the Kooskooskie or Clearwater river; thence due north to the forty-ninth parallel of latitude; thence east along that parallel to the thirty-ninth degree of longitude west of Washington; thence south along that degree of longitude to the crest of the Bitter Root Mountains; thence southward along the crest of the Bitter Root Mountains till its intersection with the Rocky Mountains; thence southward along the crest of the Rocky Mountains to the thirty-fourth degree of longitude west of Washington; thence south along that degree of longitude to the forty-second degree of north latitude; thence west along that parallel to the eastern boundary of the State of Oregon; thence north along that boundary to the place of beginning.

## ARTICLE XVIII.

### COUNTY ORGANIZATION.

SECTION 1. The several counties of the Territory of Idaho as they now exist, are hereby recognized as legal subdivisions of this State.

SEC. 2. No county seat shall be removed unless upon petition of a majority of the qualified electors of the county, and unless two-thirds of the qualified electors of the county, voting on the proposition at a general election, shall vote in favor of such removal. A proposition of removal of the county seat shall not be submitted in the same county more than once in six years, except as provided by existing laws. No person shall vote at any county seat election who has not resided in the county six months, and in the precinct ninety days.

SEC. 3. No county shall be divided unless a majority of the qualified electors of the territory proposed to be cut off, voting

on the proposition at a general election, shall vote in favor of such division: PROVIDED, That this section shall not apply to the creation of new counties. No person shall vote at such election who has not been ninety days a resident of the territory proposed to be annexed. When any part of a county is stricken off and attached to another county, the part stricken off shall be held to pay its ratable proportion of all then existing liabilities of the county from which it is taken.

SEC. 4. No new county shall be established which shall reduce any county to an area of less than four hundred square miles, nor shall a new county be formed containing an area of less than four hundred square miles.

SEC. 5. The Legislature shall establish, subject to the provisions of this article, a system of county governments which shall be uniform throughout the State; and by general laws shall provide for township or precinct organization.

SEC. 6. The Legislature, by general and uniform laws, shall provide for the election biennially in each of the several counties of the State, of county commissioners, a sheriff, county treasurer, who is ex-officio public administrator; probate judge, who is ex-officio county superintendent of public instruction; county assessor, who is ex-officio tax collector; a coroner and a surveyor. The clerk of the district court shall be ex-officio auditor and recorder. No other county offices shall be established, but the Legislature by general and uniform laws shall provide for the election of such township, precinct and municipal officers as public convenience may require, and shall prescribe their duties and fix their terms of office. The Legislature shall provide for the strict accountability of county, township, precinct, and municipal officers for all fees which may be collected by them, and for all public and municipal moneys which may be paid to them, or officially come into their possession. The county commissioners may employ counsel when necessary. The sheriff, auditor and recorder and clerk of the district court shall be empowered by the county commissioners to appoint such deputies and clerical assistance as the business of their offices may require; said deputies and clerical assistance to receive such compensation as may be fixed by the county commissioners. No sheriff or county assessor shall be qualified to hold the term of office immediately succeeding the term for which he was elected.

SEC. 7. The officers provided by section six (6) of this article shall receive annually as compensation for their services as

follows: Sheriff, not more than four thousand dollars and not less than one thousand dollars, together with such mileage as may be prescribed by law; clerk of the district court, who is ex-officio auditor and recorder, not more than three thousand dollars, and not less than five hundred dollars; probate judge, who is ex-officio county superintendent of public instruction, not more than two thousand dollars and not less than five hundred dollars; county assessor, who is ex-officio tax collector, not more than three thousand dollars and not less than five hundred dollars; county treasurer, who is ex-officio public administrator, not more than one thousand dollars, and not less than three hundred dollars; coroner, not more than five hundred dollars; county surveyor, not more than one thousand dollars; county commissioners, such per diem and mileage as may be prescribed by law; and justices of the peace and constables such fees as may be prescribed by law.

SEC. 8. The compensation provided in section seven (7) for the officers therein mentioned shall be paid by fees or commissions, or both, as prescribed by law. All fees and commissions received by such officers in excess of the maximum compensation per annum provided for each in section seven (7) of this article shall be paid to the county treasurer for the use and benefit of the county. In case the fees received in any one year by any one such officers shall not amount to the minimum compensation per annum therein provided, he shall be paid by the county a sum sufficient to make his aggregate annual compensation equal to such minimum compensation.

SEC. 9. The neglect or refusal of any officer named in this article to account for and pay into the county treasury any money received as fees or compensation in excess of the maximum amount allowed to such officer by the provisions of this article, within forty days after the receipt of the same, shall be a felony, and the grade of the crime shall be the embezzlement of public moneys, and be punishable as provided for such offense.

SEC. 10. The board of county commissioners shall consist of three members, whose term of office shall be two years.

SEC. 11. County, township and precinct officers shall perform such duties as shall be prescribed by law.

## ARTICLE XIX.

### APPORTIONMENT.

SECTION 1. Until otherwise provided by law the apportionment of the two houses of the Legislature shall be as follows:

The first senatorial districts shall consist of the county of Shoshone, and shall elect two senators.

The second shall consist of the counties of Kootenai and Latah, and shall elect one senator.

The third shall consist of the counties of Nez Perce and Idaho, and shall elect one senator.

The fourth shall consist of the counties of Nez Perce and Latah, and shall elect one senator.

The fifth shall consist of the county of Latah, and shall elect one senator.

The sixth shall consist of the county of Boise, and shall elect one senator.

The seventh shall consist of the county of Custer, and shall elect one senator.

The eighth shall consist of the county of Lemhi, and shall elect one senator.

The ninth shall consist of the county of Logan, and shall elect one senator.

The tenth shall consist of the county of Bingham, and shall elect one senator.

The eleventh shall consist of the counties of Bear Lake, Oneida and Bingham, and shall elect one senator.

The twelfth shall consist of the counties of Owyhee and Cassia, and shall elect one senator.

The thirteenth shall consist of the county of Elmore, and shall elect one senator.

The fourteenth shall consist of the county of Alturas, and shall elect one senator.

The fifteenth shall consist of the county of Ada, and shall elect two senators.

The sixteenth shall consist of the county of Washington, and shall elect one senator.

SEC. 2. The several counties shall elect the following members of the house of representatives:

The county of Ada, three members.

The counties of Ada and Elmore, one member.

The county of Alturas, two members.

The county of Boise, two members.

The county of Bear Lake, one member.  
The county of Bingham, three members.  
The county of Cassia, one member.  
The county of Custer, two members.  
The county of Elmore, one member.  
The county of Idaho, one member.  
The counties of Idaho and Nez Perce, one member.  
The county of Kootenai, one member.  
The county of Latah, two members.  
The counties of Kootenai and Latah, one member.  
The county of Logan, two members.  
The county of Lemhi, two members.  
The county of Nez Perce, one member.  
The county of Oneida, one member.  
The county of Owyhee, one member.  
The county of Shoshone, four members.  
The county of Washington, two members.  
The counties of Bingham, Logan and Alturas, one member.

## ARTICLE XX.

### AMENDMENTS.

SECTION 1. Any amendment or amendments to this Constitution may be proposed in either branch of the Legislature, and if the same shall be agreed to by two-thirds of all the members of each of the two houses, voting separately, such proposed amendment or amendments shall, with the yeas and nays thereon, be entered on their journals, and it shall be the duty of the Legislature to submit such amendment or amendments to the electors of the State at the next general election, and cause the same to be published without delay for at least six consecutive weeks, prior to said election, in not less than one newspaper of general circulation published in each county; and if a majority of the electors shall ratify the same, such amendment or amendments shall become a part of this Constitution.

SEC. 2. If two or more amendments are proposed, they shall be submitted in such manner that the electors shall vote for or against each of them separately.

SEC. 3. Whenever two-thirds of the members elected to each branch of the Legislature shall deem it necessary to call a convention to revise or amend this Constitution, they shall recommend to the electors to vote at the next general election

for or against a convention, and if a majority of all the electors voting at said election shall have voted for a convention, the Legislature shall at the next session provide by law for calling the same; and such convention shall consist of a number of members not less than double the number of the most numerous branch of the Legislature.

SEC. 4. Any Constitution adopted by such convention, shall have no validity until it has been submitted to, and adopted by, the people.

## ARTICLE XXI.

### SCHEDULE AND ORDINANCE.

SECTION 1. That no inconvenience may arise from a change of the Territorial government to a permanent State government, it is declared that all writs, actions, prosecutions, claims, liabilities, and obligations against the Territory of Idaho, of whatsoever nature, and rights of individuals, and of bodies corporate, shall continue as if no change had taken place in this government: and all process which may, before the organization of the judicial department under this Constitution, be issued under the authority of the Territory of Idaho, shall be as valid as if issued in the name of the State.

SEC. 2. All laws now in force in the Territory of Idaho which are not repugnant to this Constitution shall remain in force until they expire by their own limitation or be altered or repealed by the Legislature.

SEC. 3. All fines, penalties, forfeitures, and escheats accruing to the Territory of Idaho shall accrue to the use of the State.

SEC. 4. All recognizances, bonds, obligations, or other undertakings heretofore taken, or which may be taken before the organization of the judicial department under this Constitution, shall remain valid, and shall pass over to and may be prosecuted in the name of the State; and all bonds, obligations, or other undertaking executed by this Territory, or to any other officer in his official capacity, shall pass over to the proper State authority, and to their successors in office, for the uses therein respectively expressed, and may be sued for and recovered accordingly. All criminal prosecutions and penal actions which have arisen, or which may arise before the organization of the judicial department under this Constitution, and which shall

then be pending, may be prosecuted to judgement and execution in the name of the State.

SEC. 5. All officers, civil and military, now holding their offices and appointments in this Territory under the authority of the United States, or under the authority of this Territory, shall continue to hold and exercise their respective offices and appointments until suspended under this Constitution.

SEC. 6. This Constitution shall be submitted for adoption or rejection, to a vote of the electors qualified by the laws of this Territory to vote at all elections at an election to be held on the Tuesday next after the first Monday in November, A. D. 1889. Said election shall be conducted in all respects in the same manner as provided by the laws of the Territory for general election, and the returns thereof shall be made and canvassed in the same manner and by the same authority as provided in cases of such general elections, and abstracts of such returns duly certified shall be transmitted to the board of canvassers now provided by law for canvassing the returns of votes for Delegate in Congress. The said canvassing board shall canvass the votes so returned and certify and declare the result of said election in the same manner, as is required by law for the election of said Delegate.

At the said election the ballots shall be in the following form: For the Constitution—yes; no.

And as a heading to each of said ballots shall be printed on each ballot, the following instructions to voters:

All persons who desire to vote for the Constitution, or any of the articles submitted to a separate vote, may erase the word "no."

All persons who desire to vote against the Constitution, or against any article submitted separately, may erase the word "yes."

Any person may have printed or written on his ballot only the words, "For the Constitution" or "Against the Constitution," and such ballots shall be counted for or against the Constitution accordingly.

SEC. 7. This Constitution shall take effect and be in full force immediately upon the admission of the Territory as a State.

SEC. 8. Immediately upon the admission of the Territory as a State, the Governor of the Territory, or in case of his absence or failure to act, the secretary of the Territory, or in case of his absence or failure to act, the president of this convention, shall is-

sue a proclamation, which shall be published, and a copy thereof mailed to the chairman of the board county commissioners of each county, calling an election by the people of all State, district, county, township, and other officers, created and made elective by this Constitution, and fixing a day for such election, which shall not be less than forty days after the date of such proclamation, nor more than ninety days after the admission of the Territory as a State.

SEC. 9. The board of commissioners of the several counties shall thereupon order such election for said day, and shall cause notice thereof to be given, in the manner and for the length of time provided by the laws of the Territory in cases of general elections for Delegate to Congress and county and other officers. Every qualified elector of the Territory, at the date of said election, shall be entitled to vote thereat. Said election shall be conducted in all respects in the same manner as provided by the laws of the Territory for general elections, and returns thereof shall be made and canvassed in the same manner and by the same authority as provided in cases of such general election; but returns for all State and district officers and members of the Legislature, shall be made to the canvassing board herein-after provided for.

SEC. 10. The Governor, Secretary, Controller, and Attorney-General of the Territory, and the president of this convention, or a majority of them, shall constitute a board of canvassers to canvass the vote at such elections for all State and district officers and members of the Legislature. The said board shall assemble at the seat of government of the Territory, on the thirtieth day after the date of such election (or on the following day if such day fall on Sunday), and proceed to canvass the votes for all State and district officers and members of the Legislature, in the manner provided by the laws of the Territory for canvassing the vote for Delegate to Congress, and they shall issue certificates of election to the persons found to be elected to said offices severally, and shall make and file with the Secretary of the Territory an abstract certified by them, of the number of votes cast for each person for each of said offices, and of the total number of votes cast in each county.

SEC. 11. The canvassing boards of the several counties shall issue certificates of election to the several persons found by them to have been elected to the several county and precinct offices.

SEC. 12. All officers elected at such election shall, within

thirty days after they have been declared elected, take the oath required by this Constitution, and give the same bond required by the law of the Territory to be given in case of like officers of the Territory, district or county, and shall thereupon enter upon the duties of their respective offices; but the Legislature may require by law all such officers to give other or further bonds as a condition of their continuance in office.

SEC. 13. All officers elected at said election, shall hold their offices until the Legislature shall provide by law, in accordance with this Constitution, for the election of their successors, and until such successors shall be elected and qualified.

SEC. 14. The Governor-elect of the State, immediately upon his qualifying and entering upon the duties of his office, shall issue his proclamation convening the Legislature of the State at the seat of government on a day to be named in said proclamation and which shall not be less than thirty nor more than sixty days after the date of such proclamation. Within ten days after the organization of the Legislature both houses of the Legislature shall then and there proceed to elect, as provided by law, two Senators of the United States for the State of Idaho. At said election, the two persons who shall receive the majority of all the votes cast by said senators and representatives, shall be elected as such United States Senators, and shall be so declared by the presiding officers of said joint session. The presiding officers of the senate and house, shall issue a certificate to each of said senators, certifying his election, which certificates shall also be signed by the Governor and attested by the Secretary of State.

SEC. 15. The Legislature shall pass all necessary laws to carry into effect the provisions of this Constitution.

SEC. 16. Whenever any two of the judges of the supreme court of the State, elected under the provisions of this Constitution, shall have qualified in their offices, the causes then pending in the supreme court of the Territory, and the papers, records, and proceedings of said court, and the seal and other property pertaining thereto, shall pass into the jurisdiction and possession of the supreme court of the State: and until so superseded the supreme court of the Territory and the judges thereof shall continue, with like powers and jurisdiction, as if this Constitution had not been adopted. Whenever the judge of the district court of any district, elected under the provisions of this Constitution, shall have qualified in office, the several causes then pending in the district court of the Territory,

within any county in such district, and the records, papers, and proceedings of said district court, and the seal and other property pertaining thereto, shall pass into the jurisdiction and possession of the district court of the State for such county; and until the district courts of this Territory shall be superseded in the manner aforesaid the said district courts and the judges thereof shall continue with the same jurisdiction and power to be exercised in the same judicial districts respectively, as heretofore constituted under the laws of the Territory.

SEC. 17. Until otherwise provided by law, the seals now in use in the supreme and district courts of this Territory are hereby declared to be the seals of the supreme and district courts, respectively, of the State.

SEC. 18. Whenever this Constitution shall go into effect, the books, records, and papers, and proceedings of the probate court in each county, and all causes and matters of administration and other matters pending therein, shall pass into the jurisdiction and possession of the probate court of the same county of the State, and the said probate court shall proceed to final decree or judgment, order, or other determination in the said several matters and causes as the said probate court might have done as if this Constitution had not been adopted.

SEC. 19. It is ordained by the State of Idaho that perfect toleration of religious sentiment shall be secured, and no inhabitant of said State shall ever be molested in person or property on account of his or her mode of religious worship. And the people of the State of Idaho do agree and declare that we forever disclaim all right and title to the unappropriated public lands lying within the boundaries thereof, and to all lands lying within said limits, owned or held by any Indians or Indian tribes; and until the title thereto shall have been extinguished by the United States, the same shall be subject to the disposition of the United States, and said Indian lands shall remain under the absolute jurisdiction and control of the Congress of the United States; that the lands belonging to citizens of the United States, residing without the said State of Idaho, shall never be taxed at a higher rate than the lands belonging to the residents thereof. That no taxes shall be imposed by the State on the lands or property therein belonging to, or which may hereafter be purchased by, the United States, or reserved for its use. And the debts and liabilities of this Territory shall be assumed and paid by the State of Idaho. That this ordinance shall be irrevocable, without the consent of the United States and the people of the State of Idaho.

SEC. 20. That in behalf of the people of Idaho, we, in convention assembled, do adopt the Constitution of the United States.

Done in open convention, at Boise City, in the Territory of Idaho, this sixth day of August, in the year of our Lord one thousand eight hundred and eighty-nine.

W.M. H. CLAGETT, *President.*

GEO. AINSLIE,

W. C. B. ALLEN,

ROB'T ANDERSON,

H. ARMSTRONG,

ORLANDO B. BATTEEN,

FRANK W. BEANE,

JAS. H. BEATTY.

J. W. BALLENTINE,

A. D. BEVAN,

HENRY B. BLAKE,

FREDERICK CAMPBELL,

FRANK P. CAVANAH,

A. S. CHANEY,

CHAS. A. CLARK,

I. N. COSTON.

JAS. I. CRUTCHER,

STEPHEN S. GLIDDEN,

JOHN S. GRAY,

WM. W. HAMMEL,

H. S. HAMPTON,

H. O. HARKNESS,

FRANK HARRIS,

SOL HASBROUCK,

C. M. HAYS,

W. B. HEYBURN,

JOHN HOGAN,

J. M. HOWE,

E. S. JEWELL,

G. W. KING,

H. B. KINPORT,

JAS. W. LAMOREAUX,

JOHN LEWIS,

WM. C. MAXEY,

A. E. MAYHEW,

W. J. McCONNELL,

HENRY MELDER,

JOHN H. MYER,  
JOHN T. MORGAN,  
A. B. MOSS,  
AARON F. PARKER,  
A. J. PIERCE,  
A. J. PINKHAM,  
J. W. POE,  
THOS. PYEATT,  
JAS. W. REID,  
W. D. ROBBINS,  
WM. H. SAVIDGE,  
AUG. M. SINNOTT,  
JAMES M. SHOUP,  
DREN W. STANDROD,  
FRANK. STEUNENBERG,  
HOMER STULL,  
WILLIS SWEET,  
SAM. F. TAYLOR,  
J. L. UNDERWOOD,  
LYCURGUS VINEYARD,  
J. S. WHITTON,  
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## IDAHO ADMISSION BILL.

[Public 199.]

### AN ACT

To provide for the admission of the State Idaho into the Union.

WHEREAS, The people of the Territory of Idaho did, on the 4th day of July, 1889, by a convention of delegates called and assembled for that purpose, form for themselves a Constitution, which Constitution was ratified and adopted by the people of said Territory at an election held therefor on the first Tuesday in November, 1889, which Constitution is republican in form and is in conformity with the Constitution of the United States; and

WHEREAS, Said convention and the people of said Territory have asked the admission of said Territory into the Union of States on an equal footing with the original States in all respects whatever: Therefore,

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled:* That the State of Idaho is hereby declared to be a State of the United States of America, and is hereby declared admitted into the Union on an equal footing with the original States in all respects whatever; and that the Constitution which the people of Idaho have formed for themselves be, and the same is hereby, accepted, ratified, and confirmed.

SEC. 2. That the said State shall consist of all the territory described as follows: Beginning at the intersection of the thirty-ninth meridian with the boundary line between the United States and the British possessions, then following said

meridian south until it reaches the summit of the Bitter Root Mountains; thence southeastward along the crest of the Bitter Root Range and the continental divide until it intersects the meridian of thirty-four degrees of longitude: thence southward on this meridian to the forty-second parallel of latitude; thence west on this parallel of latitude to its intersection with a meridian drawn through the mouth of the Owyhee River; north on this meridian to the mouth of the Owyhee River: thence down the mid-channel of the Snake River to the mouth of the Clearwater River: and thence north on the meridian which passes through the mouth of the Clearwater to the boundary line between the United States and the British possessions, and east on said boundary line to the place of beginning.

SEC. 3. That until the next general census, or until otherwise provided by law, said State shall be entitled to one Representative in the House of Representatives of the United States, and the election of the Representative to the Fifty-first Congress and Fifty-second Congress shall take place at the time and be conducted and certified in the same manner as is provided in the Constitution of the State for the election of State, district, and other officers in the first instance.

The law of the Territory of Idaho, for the registration of voters shall apply to the first election of State, district, and other officers held after the admission of the State of Idaho. County and precinct officers elected at the first election held after the admission of the State of Idaho shall assume the duties of their respective offices on the second Monday of January, 1891.

SEC. 4. That sections numbered 16 and 36 in every township of said State, and where such sections or any parts thereof, have been sold or otherwise disposed of by or under the authority of any act of Congress, other lands equivalent thereto, in legal subdivisions of not less than one-quarter section, and as contiguous as may be to the section in lieu of which the same is taken, are hereby granted to said State for the support of common schools, such indemnity lands to be selected within said State in such manner as the Legislature may provide, with the approval of the Secretary of the Interior.

SEC. 5. That all lands herein granted for educational purposes shall be disposed of only at public sale, the proceeds to constitute a permanent school fund, the interest of which only shall be expended in the support of said schools. But said

lands may, under such regulations as the Legislature shall prescribe, be leased for periods of not more than five years, and such lands shall not be subject to pre-emption, homestead entry, or any other entry under the land laws of the United States, whether surveyed or unsurveyed, but shall be reserved for school purposes only.

SEC. 6. That fifty sections of the unappropriated public lands within said State, to be selected and located in legal subdivisions as provided in section 4 of this act, shall be, and are hereby, granted to said State for the purpose of erecting public buildings at the capital of said State for legislative, executive, and judicial purposes.

SEC. 7. That 5 per cent. of the proceeds of the sales of public lands lying within said State which shall be sold by the United States subsequent to the admission of said State into the Union, after deducting all the expenses incident to the same, shall be paid to the said State, to be used as a permanent fund, the interest of which only shall be expended for the support of the common schools within said State.

SEC. 8. That the lands granted to the Territory of Idaho, by the act of February 18, 1881, entitled "An act to grant lands to Dakota, Montana, Arizona, Idaho and Wyoming for university purposes," are hereby vested in the State of Idaho to the extent of the full quantity of 72 sections to said State, and any portion of said lands that may not have been selected by said Territory of Idaho, may be selected by the said State; but said act of February 18, 1881, shall be so amended as to provide that none of said lands shall be sold for less than \$10 per acre, and the proceeds shall constitute a permanent fund to be safely invested and held by said State, and the income thereof be used exclusively for university purposes. The schools, colleges and universities provided for in this act shall forever remain under the exclusive control of the said State, and no part of the proceeds arising from the sale or disposal of any lands herein granted for educational purpose shall be used for the support of any sectarian or denominational school, college or university.

SEC. 9. That the penitentiary at Boise City, Idaho, and all lands connected therewith and set apart and reserved therefor, and unexpended appropriations of money therefor, and the personal property of the United States now being in the Territory of Idaho which has been in use in the said Territory in the administration of the Territorial government, including books and records and the property used at the Constitutional

convention which convened at Boise City in the month of July, 1889, are hereby granted and donated to the State of Idaho.

SEC. 10. That 90,000 acres of land, to be selected and located as provided in section 4 of this Act, are hereby granted to said State for the use and support of an agricultural college in said State, as provided in the acts of Congress making donations of lands for such purposes.

SEC. 11. That in lieu of the grant of land for purposes of internal improvement made to the new States by the eighth section of the act of September 4, 1841, which section is hereby repealed as to the State of Idaho, and in lieu of any claim or demand by the said State under the act of September 28, 1850, and section 2479 of the Revised Statutes, making a grant of swamp and overflowed lands to certain States, which grant, it is hereby declared, is not extended to the State of Idaho, and in lieu of any grant of saline lands to said State, the following grants of land are hereby made, to-wit: To the State of Idaho: For the establishment and maintenance of a scientific school, 100,000 acres: for State normal schools, 100,000 acres; for the support and maintenance of the insane asylum, located at Blackfoot, 50,000 acres; for the support and maintenance of the State university, located at Moscow, 50,000 acres; for the support and maintenance of the penitentiary, located at Boise City, 50,000 acres; for other State, charitable, educational, penal and reformatory institutions, 150,000 acres. None of the lands granted by this act shall be sold for less than \$10 an acre.

SEC. 12. That the State of Idaho shall not be entitled to any further or other grants of land for any purpose than as expressly provided in this act. And the lands granted by this section shall be held, appropriated, and disposed of, exclusively for the purpose herein mentioned, in such manner as the Legislature of the State may provide.

SEC. 13. That all mineral lands shall be exempted from the grants by this act. But if sections 16 and 36, or any subdivision, or portion of any smallest subdivision thereof, in any township, shall be found by the Department of the Interior to be mineral lands, the said State is hereby authorized and empowered to select, in legal subdivisions, an equal quantity of other unappropriated lands in said State, in lieu thereof, for the use and the benefit of the common schools of said State.

SEC. 14. That all lands granted in quantity or as indemnity by this act shall be selected, under the direction of the Secretary of the Interior, from the surveyed, unreserved, and un-

appropriated public lands of the United States, within the limits of the State entitled thereto. And there shall be deducted from the number of acres of land donated by this act for the specific objects to said State the number of acres heretofore donated by Congress to said Territory for similar objects.

SEC. 15. That the sum of \$28,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for defraying the expenses of said convention and for the payment of the members thereof, under the same rules and regulations and at the same rates as are now provided by law for the payment of the Territorial Legislatures, and for elections held therefor and thereunder. Any money hereby appropriated not necessary for such purpose shall be covered into the Treasury of the United States.

SEC. 16. That the said State shall constitute a judicial district, the name thereof to be the same as the name of the State; and the circuit and district courts therefor shall be held at the capital of the State for the time being, and the said district shall, for judicial purposes, until otherwise provided, be attached to the ninth judicial circuit. There shall be appointed for said district one district judge, one United States attorney, and one United States marshal. The judge of the said district shall receive a yearly salary of \$3,500, payable in four equal installments on the first days of January, April, July and October of each year, and shall reside in the district. There shall be appointed clerks of said courts in the said district, who shall keep their offices at the capital of said State. The regular terms of said courts shall be held in said district, at the place aforesaid, on the first Monday in April and the first Monday in November of each year, and only one grand jury and one petit jury shall be summoned in both said circuit and district court. The circuit and district courts for said district, and the judges thereof, respectively, shall possess the same powers and jurisdiction and perform the same duties required to be performed by the other circuit and district courts and judges of the United States, and shall be governed by the same laws and regulations. The marshal, district attorney, and clerks of the circuit and district courts of said district, and all other officers and persons performing duties in the administration of justice therein, shall severally possess the powers and perform the duties lawfully possessed and required to be performed by similar officers in other districts of the United States; and shall, for

the services they may perform, receive the fees and compensation allowed by law to other similar officers and persons performing similar duties in the State of Oregon.

SEC. 17. That all cases of appeal or writ of error heretofore prosecuted and now pending in the Supreme Court of the United States upon any record from the supreme court of said Territory, or that may hereafter lawfully be prosecuted upon any record from said court, may be heard and determined by said Supreme Court of the United States; and the mandate of execution or for further proceedings shall be directed by the Supreme Court of the United States to the circuit or district court hereby established within the said State from or to the supreme court of such State, as the nature of the case may require. And the circuit, district, and State courts herein named shall, respectively, be the successors of the supreme court of the Territory, as to all such cases arising within the limits embraced within the jurisdiction of such courts, respectively, with full power to proceed with the same and award mesne or final process therein; and that from all judgments and decrees of the supreme court of the Territory mentioned in this act, in any case arising within the limits of the proposed State prior to admission, the parties to such judgment shall have the same right to prosecute appeals and writs of error to the Supreme Court of the United States as they shall have had by law prior to the admission of said State into the Union.

SEC. 18. That in respect to all cases, proceedings and matters now pending in the supreme or district courts of the said Territory at the time of the admission into the Union of the State of Idaho and arising within the limits of such State, whereof the circuit or district courts by this act established might have had jurisdiction under the laws of the United States had such courts existed at the time of the commencement of such cases, the said circuit and district courts, respectively, shall be the successors of said supreme and district courts of said Territory; and in respect to all other cases, proceedings and matters pending in the supreme or district courts of said Territory at the time of the admission of such Territory into the Union, arising within the limits of said State, the courts established by such State shall, respectively, be the successors of said supreme and district Territorial courts; and all the files, records, indictments, and proceedings relating to any such cases shall be transferred to such circuit, district, and State courts,

respectively, and the same shall be proceeded with therein in due course of law; but no writ, action, indictment, cause or proceeding now pending, or that prior to the admission of the State shall be pending, in any Territorial court in said Territory, shall abate by the admission of such State into the Union, but the same shall be transferred and proceeded with in the proper United States circuit, district, or State court as the case may be: PROVIDED, HOWEVER, That in all civil actions, causes, and proceedings in which the United States is not a party, transfers shall not be made to the circuit and district courts of the United States, except upon written request of one of the parties to such action or proceeding filed in the proper court; and in the absence of such request such cases shall be proceeded with in the proper State courts.

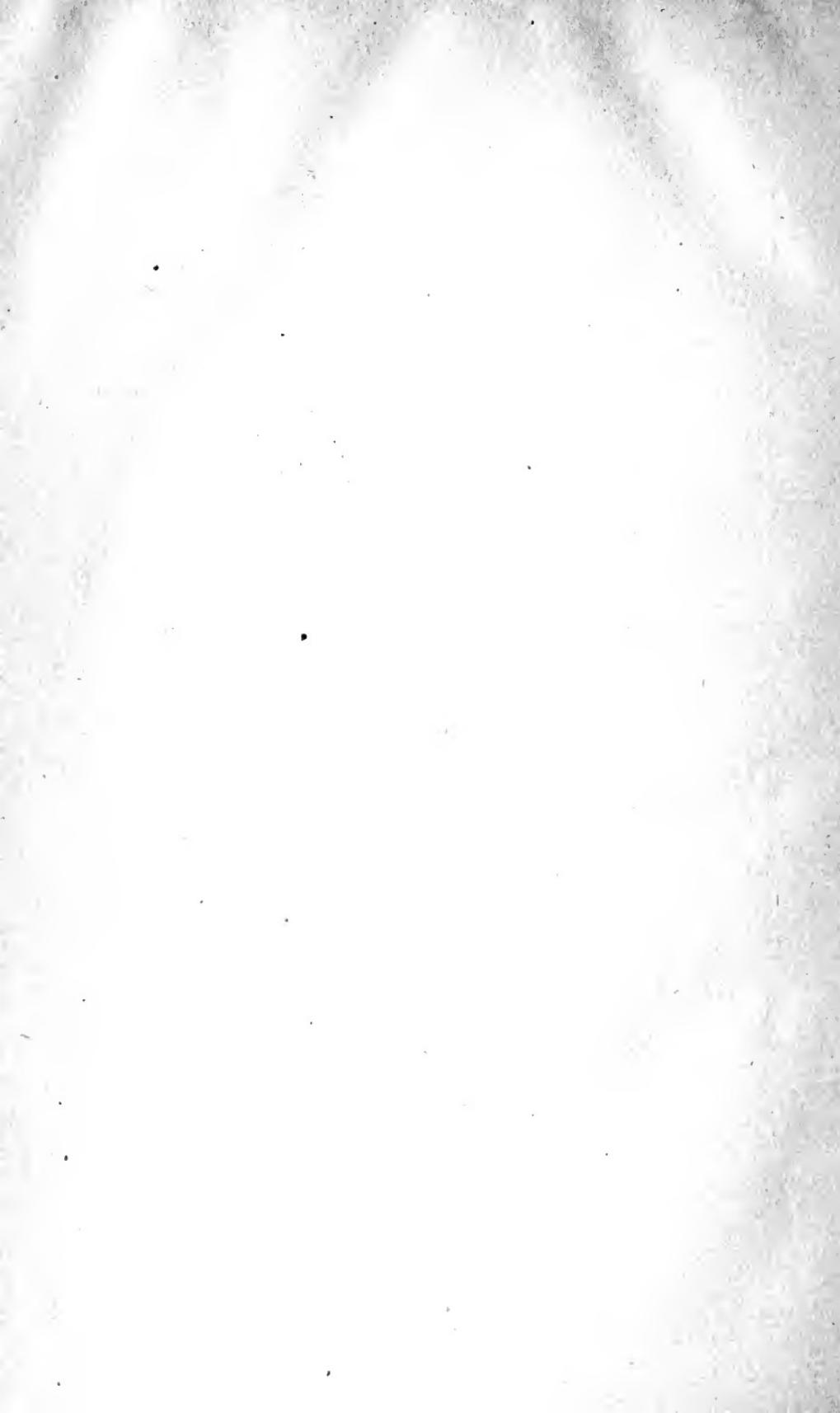
SEC. 19. That from and after the admission of said State into the Union, in pursuance of this act, the laws of the United States not locally inapplicable shall have the same force and effect within the said State as elsewhere within the United States.

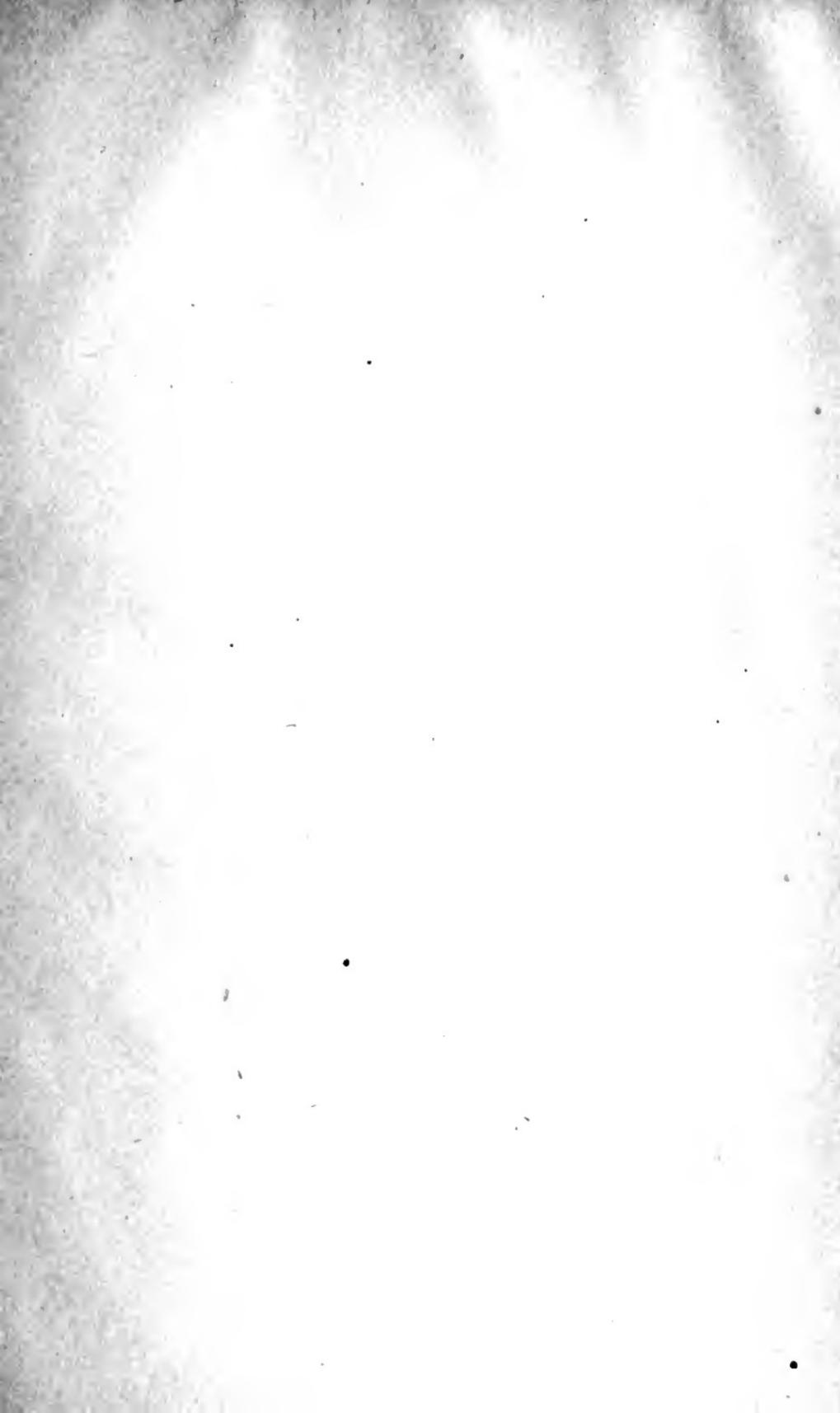
SEC. 20. That the Legislature of the said State may elect two Senators of the United States as is provided by the Constitution of said State, and the Senators and Representative of said State shall be entitled to seats in Congress and to all the rights and privileges of Senators and Representatives of other States in the Congress of the United States.

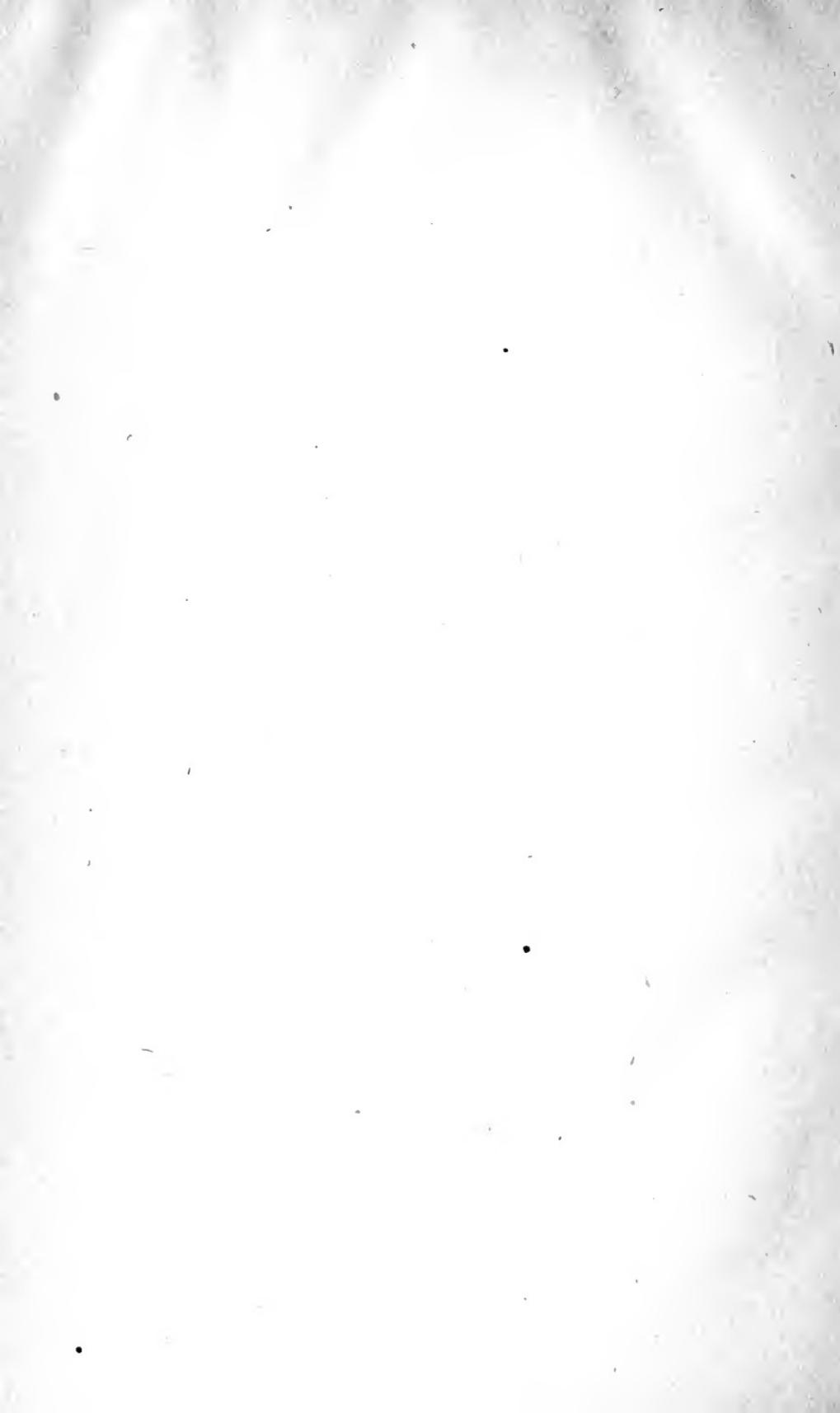
SEC. 21. That until the State officers are elected and qualified under the provisions of the Constitution of said State, the officers of the Territory of Idaho shall discharge the duties of their respective offices under the Constitution of the State, in the manner and form as therein provided; and all laws in force made by said Territory, at the time of its admission into the Union, shall be in force in said State, except as modified or changed by this act or by the Constitution of the State.

SEC. 22. That all acts or parts of acts in conflict with the provisions of this act, whether passed by Legislature of said Territory or by Congress, are hereby repealed.

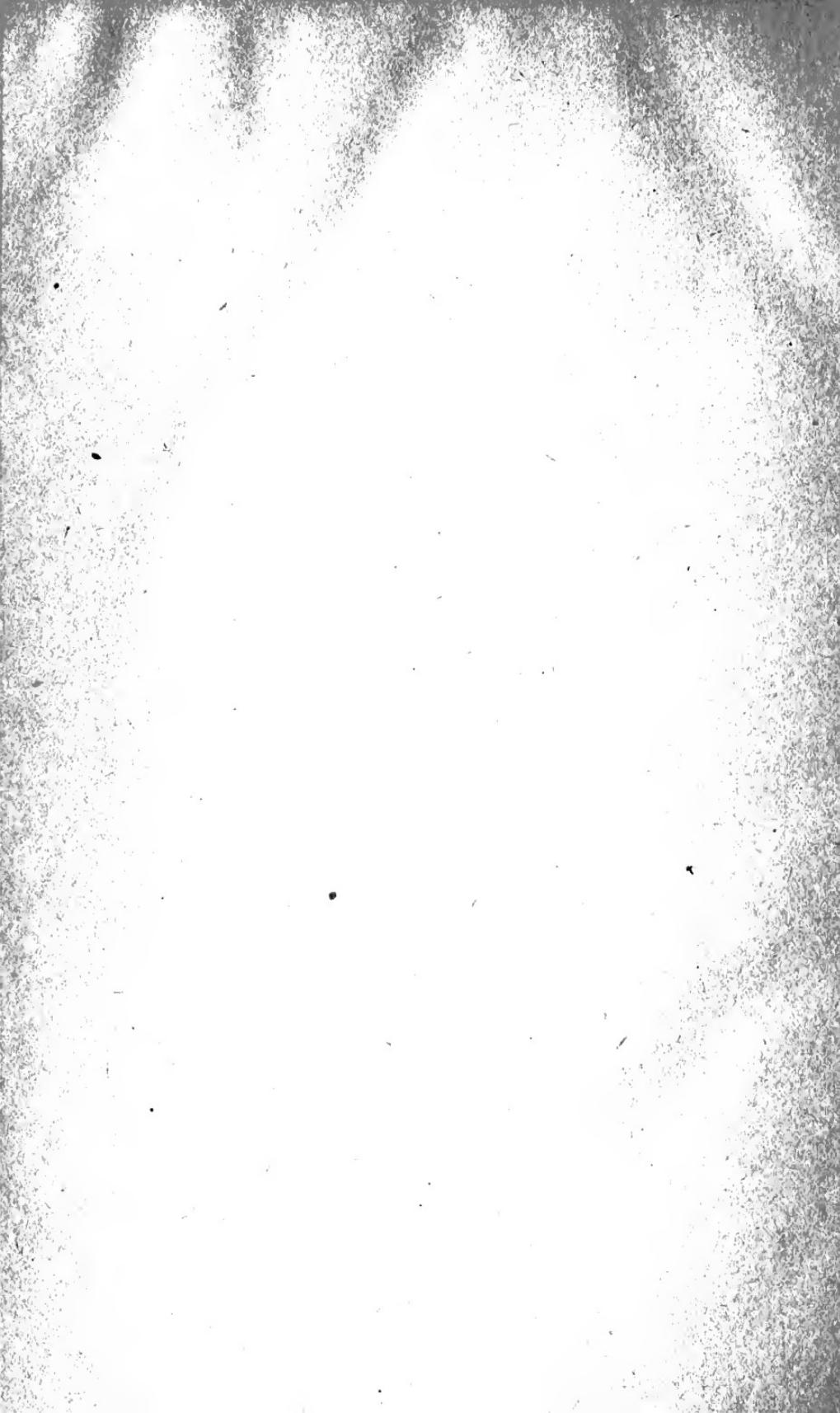
*Approved July 3, 1890.*



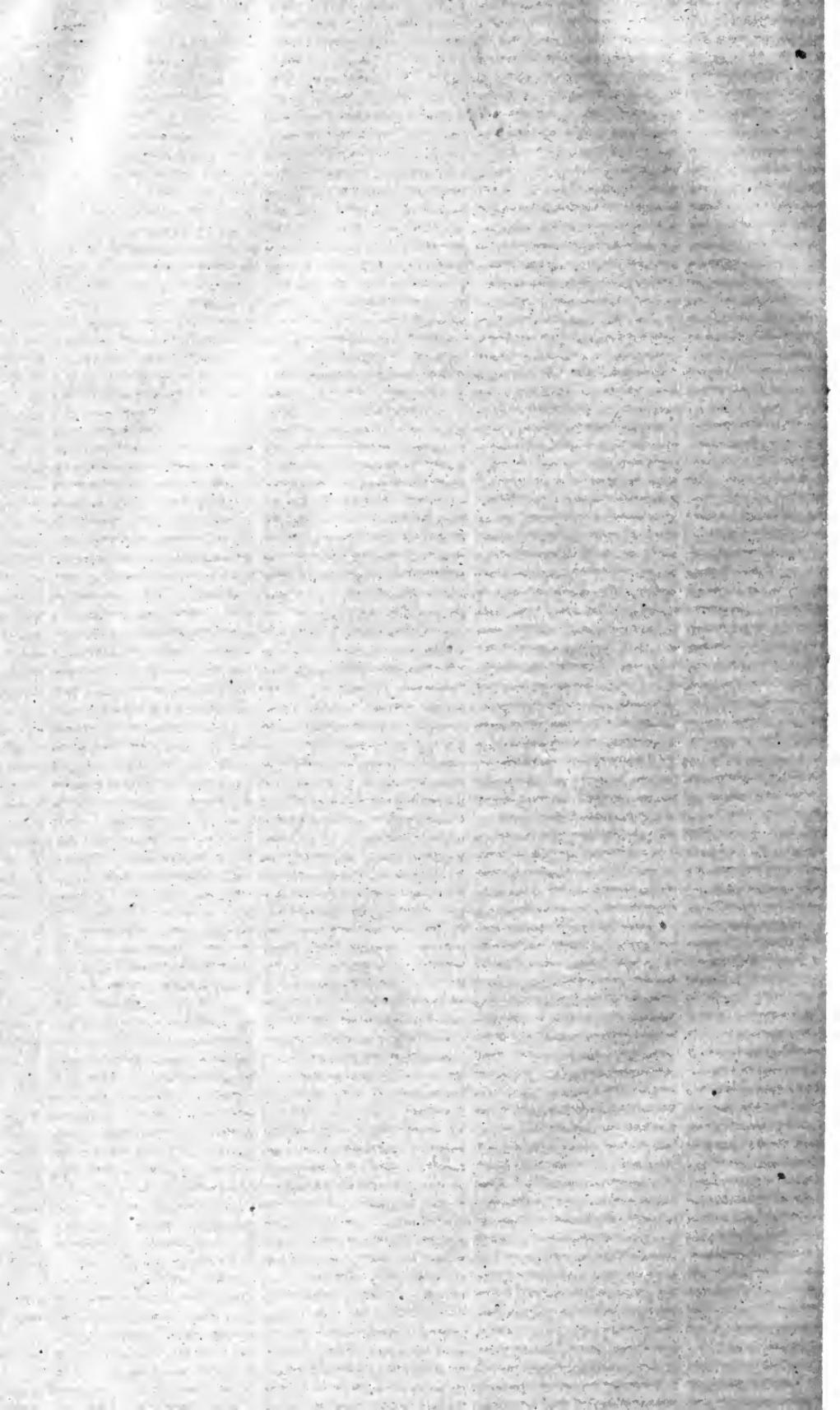












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